Sept 14, 2017

Dear [redacted] — s.40(1)

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/54/2017]

On August 16, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

Please provide all information as it relates to the Williams Harbour Resettlement since 2013 to present. This is inclusive, but not limited to, correspondence, data, emails, letters, reports, outside consultant reports, internal memos, budget analysis, briefings to the minister.

In subsequent discussions, the agreed wording was changed to the following:

Please provide the following information/records related to the Williams Harbour Resettlement from 2013 to the present. I am looking for:

1. Resettlement policies since and including the 2009 policy
2. What were the criteria to determine permanent, seasonal and business residents?
3. What information are applicants required to submit to evaluate whether they meet each criteria?
4. What expert opinions were sought when determining residency and disagreements in classifications?
5. What expert opinions were sought for those asking for work or health exemptions for residency days?
6. How many names (and their respective status) were provided to the government by George Russell?
7. How was George Russell determined to be the community representative?
8. How many people called in or wrote in to get added to the list?
9. How many of these additional people were accepted as Permanent Residents? When?
10. How many applied for seasonal status?
11. How many households appealed their status? On what criteria were they evaluated and what was the outcome?
12. Request reports provided to government regarding appeals.
13. Please provide correspondence between government and Mr. Roil in regards to the appeals and any reports he may have provided.
14. Please provide any briefing provided to the Minister/Deputy Minister after the conclusion of any appeal.
15. What correspondence has been provided to household that were deemed personal residents or won their appeals?
16. Why was a new resettlement policy created after 2013?
17. How have deaths in the community been reflected in the cost analysis and permanent residency status?
18. What communication has the government had with those who were declared seasonal?
19. What notification have seasonal status people had about relocation and notice of removal of services?
20. What were the results of the 20 year cost savings analysis? What was presented to the Minister (deputies)?
21. How many households were factored into the analysis? How many businesses?
22. How and why was the resettlement date selected? Who made that decision?
23. What correspondence has been received by all stakeholders in regards to that date (Permanent Residence, Business & Seasonal)?
24. When was the final packages sent to all permanent residents with their final offers?
25. What offer, written correspondence, was given by the government to permanent residents to help them find new homes?
26. How many residents have asked for bridge loans to purchase a new house? How many have been offered?
27. What correspondence has occurred with Hydro and Bell Canada regarding the resettlement of Williams Harbour?
28. What correspondence has George Russell sent/given to the Government on behalf of the community?
29. What community meetings have been held in Williams Harbour regarding resettlement and what was the outcome?

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

Access to the remaining records, and/or 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):
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;

Legal advice
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.

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.

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.

Please note the following pages were withheld in full and not included in the package:

- Pages 195 to 203, 205 and 206 – Section 40(1)

In accordance with your request for a copy of the records, the appropriate copies have been enclosed where applicable. The following responses will also answer many of the questions posed above:

1. Resettlement policies since and including the 2009 policy
   See pages 2 – 19 in the attachment.

2. What were the criteria to determine permanent, seasonal and business residents?
   The criteria are outlined in the 2013 Community Relocation Policy provided.

3. What information are applicants required to submit to evaluate whether they meet each criteria?
   See pages 21 – 30 in the attachment.
4. **What expert opinions were sought when determining residency and disagreements in classifications?**
   The Department determines permanent residency as per policy. John Roil was appointed as the independent reviewer for the appeal process.

5. **What expert opinions were sought for those asking for work or health exemptions for residency days?**
   The Department determines exemptions for permanent residency as per policy. John Roil was appointed as the independent reviewer for the appeal process.

6. **How many names (and their respective status) were provided to the government by George Russell?**
   The following categories were provided by George Russell:
   - Permanent Residents – 20
   - Permanent Residents travelling for school – 9
   - Summer Homes – 9
   - Cabins – 3

7. **How was George Russell determined to be the community representative?**
   In April 2013 George Russell submitted the expressions of interest, signed by residents, to relocate the community and advised us that he would be the contact. He regularly contacted the department about the relocation request and all general correspondence to the department from the community came from Mr. George Russell.

8. **How many people called in or wrote in to get added to the list?**
   As per letter identified in Part 3, residents and property owners were asked to submit affidavits and information in order to assist the department in determining residency status. The Department received 44 Affidavits. Of the 44 affidavits received 7 individuals did not request permanent residency status.

9. **How many of these additional people were accepted as Permanent Residents? When?**
   Following a departmental review, 19 permanent residents were identified. Please note that 5 permanent residents have since died. Factoring in appeals/judicial review and deaths etc, there are now a total of 33 people being provided assistance to be relocated from William’s Harbour.

10. **How many applied for seasonal status?**
   9 residents self-identified as seasonal property owners.

11. **How many households appealed their status? On what criteria were they evaluated and what was the outcome?**
   12 appeals were filed. 5 decisions were overturned while 7 decisions were
upheld following the appeal process. Criteria used were outlined in the 2013 Community Relocation Policy.

12. Request reports provided to government regarding appeals.
   See page 32 – 136 in the attachment.

13. Please provide correspondence between government and Mr. Roil in regards to the appeals and any reports he may have provided.
   See pages 138 – 145 in the attachment. Reports attached to correspondence have been provided in part 12 above.

14. Please provide any briefing provided to the Minister/Deputy Minister after the conclusion of any appeal
   See pages 147 – 151 in the attachment.

15. What correspondence has been provided to household that were deemed personal residents or won their appeals?
   See pages 153 – 155 in the attachment.

16. Why was a new resettlement policy created after 2013?
   The following links will provide more information:

17. How have deaths in the community been reflected in the cost analysis and permanent residency status?
   Known deaths would have been reflected in the Cost Benefit Analysis.

18. What communication has the government had with those who were declared seasonal?
   See pages 157 – 159 in the attachment.

19. What notification have seasonal status people had about relocation and notice of removal of services?
   Government is currently working with George Russell to contact all property owners to advise them of the removal of services.

20. What were the results of the 20 year cost savings analysis? What was presented to the Minister (deputies)?
   See pages 161 – 172 in the attachment.
21. How many households were factored into the analysis? How many businesses? See pages 161 – 172 in the attachment.

22. How and why was the resettlement date selected? Who made that decision? The date was selected in consultation with the Department of Transportation and Works and Nalcor. The Department has received numerous calls from residents requesting relocation as soon as possible. This date allows for residents to be relocated prior to the winter.

23. What correspondence has been received by all stakeholders in regards to that date (Permanent Residence, Business & Seasonal)? Communication is ongoing. The Department is using a variety of means to communicate including phone calls and letters to residents. George Russell is also communicating regularly with permanent residents and seasonal property owners.

24. When was the final packages sent to all permanent residents with their final offers? The final packages were sent on June 8, 2017. All responses were received by July 4, 2017.

25. What offer, written correspondence, was given by the government to permanent residents to help them find new homes? Legal documents including a Conditional Offer were sent to the permanent residents for review with their Lawyer, John Hogan. The remaining legal documents including: resident agreement; affidavit; affidavit with warranties; conveyance; and permit are being completed with the assistance of John Hogan.

26. How many residents have asked for bridge loans to purchase a new house? How many have been offered? No residents have asked for this assistance.

27. What correspondence has occurred with Hydro and Bell Canada regarding the resettlement of Williams Harbour? See pages 174 – 192 of the attachment.

28. What correspondence has George Russell sent/given to the Government on behalf of the community? See pages 194 – 210 in the attachment.

29. What community meetings have been held in Williams Harbour regarding resettlement and what was the outcome?
The Department has not held any meetings in the community with respect to the relocation of William’s Harbour.

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 feel free to contact me by telephone at 709-729-5846 or by e-mail at aliaskary@gov.nl.ca.

Sincerely,

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

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).
Part 1
DEPARTMENT OF MUNICIPAL AFFAIRS
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

COMMUNITY RELOCATION POLICY

The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:

a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;

c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents and Commercial Property Owners who do not otherwise have a vote as Permanent Residents wish to relocate; and

d. Ninety per cent or more of the Permanent Residential Property Owners and Commercial Property Owners subsequently sign Government's conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.

b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the Evacuated Communities Act.

1. DEFINITIONS

1.a. Commercial Property Owner: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.

1.b. Community: Includes municipalities, local service districts, and / or unincorporated areas.

1.c. Non-Resident Residential Property Owner: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods
immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:
   i. The individual was temporarily absent from the community to attend grade school or post-secondary school.
   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
   iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;

(b) The individual did not establish permanent residency in another Community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

1.e. Relocation Request Date: The date on which the Department deems it has received the request to consider the Community’s eligibility for relocation assistance.

1.f. Rental Property: Habitable residential property which was rented as of the Relocation Request Date or which, though vacant on that date, had previously been rented and had been vacant for no more than six months immediately prior to that date.

1.g. Permanent Residential Property Owner: An individual who meets the criteria for a Permanent Resident and who also resides in and owns, either individually or jointly, habitable residential property in the Community requesting relocation.

2. STEPS IN THE EVALUATION OF COMMUNITY RELOCATION REQUESTS
After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of that request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

c. Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government’s consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.

d. The Department will conduct a vote involving voting aged Permanent Residents and Commercial Property Owners who do not otherwise have a vote as Permanent Residents. If the vote does not confirm that at least ninety percent of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.

e. If the vote indicates ninety percent or more of the individuals eligible to participate in the community vote support relocation, the Department will request Government approval of:
   i. the relocation of the community;
   ii. sufficient funds to pay relocation assistance; and
   iii. an Order in Council, pursuant to section 4.1 of the Public Utilities Act (the Act) exempting utilities from the application of Section 38 of the Act for that community.
f. After receiving the approvals in Item (e), the Minister of Municipal Affairs will make conditional offers to purchase habitable residential properties and commercial properties. These conditional offers to purchase will be made to all Permanent Residential Property Owners and Commercial Property Owners. The conditional offers to purchase will include a clause making each offer conditional on at least ninety percent of Permanent Residential Property Owners and Commercial Property Owners signing written acceptance of the offers to purchase as drafted by the Minister. The Department of Municipal Affairs will pay the cost of a solicitor selected by the Community to assist Permanent Residential Property Owners and Commercial Property Owners in their review of the conditional offers to purchase and any other legal documentation involved if the relocation proceeds.

g. The Minister will approve the relocation assistance request if at least ninety percent of the Permanent Residential Property Owners and Commercial Property Owners in the community sign acceptance to the offers to purchase as drafted by the Minister.

h. The Department and all relocating property owners (including Permanent Residential Property Owners and Commercial Property Owners) will execute legal documents transferring title to the Crown in return for the relocation assistance detailed in the Department’s offer of assistance. Relocation assistance for Permanent Residents of voting age who are not Permanent Residential Property Owners will be processed at the same time.

3. APPEAL OF RESIDENCY STATUS DETERMINATION
The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer’s recommendation, the Minister will make a final determination of residency status.

4. COMMUNITY-INITIATED, COMMUNITY-DRIVEN REQUEST FOR RELOCATION
The Department of Municipal Affairs may provide information or briefings on this policy at the request of Community residents. However, the formal assessment of a Community’s eligibility under this policy will only begin after Government receives clear indication that it is responding to a community-initiated, community-driven request for relocation assistance. Evidence of a community-initiated, community-driven request may be, for example, a written request from a Municipality or Local Service District, a petition from Community residents, or other indications acceptable to the Minister.

5. COMMUNITY VOTE
While an initial request will start contacts between a Community and the Department of Municipal Affairs concerning possible relocation assistance, the Department will assess the will of the Community through a vote on the question of relocation.

Only voting-aged Permanent Residents and Commercial Property Owners who do not otherwise have a vote as Permanent Residents are eligible to vote on relocation. Joint property owners will each have one vote.

Each identifiable individual entitled to vote will be provided with an individual ballot which she/he will mail to the Department of Municipal Affairs in a pre-addressed, postage-paid envelope.

The Department of Municipal Affairs will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

6. FINANCIAL ASSISTANCE FOR RELOCATION

No resident will be required to relocate, but residents who do not relocate will not receive relocation assistance.

Relocation assistance is not intended to compensate individuals or businesses for loss of employment, income potential, or any other costs beyond those specifically mentioned in this policy.

Relocation assistance will be paid directly to Property Owners and also to Permanent Residents of voting age who are not Permanent Residential Property Owners.

Where a couple who has separated or divorced each have a property interest in a residential property or commercial property in the community, no relocation assistance will be provided unless proof of property interest is provided satisfactory to the Department. All parties with a property interest must sign the conditional offer to purchase and subsequently execute legal documents transferring freehold title to the Crown. In these cases, the relocation assistance will be divided proportionally in accordance with each person's proportional share in the property being transferred to the Crown even if one of the individuals no longer meets the permanent residency criteria.

Should a Community meet all eligibility requirements for relocation assistance, the Minister shall offer, in exchange for unencumbered legal title to land and structures and consent to the discontinuation of all municipal and provincial services to each resident, the following financial assistance to relocate:

6.a. Permanent Residential Property Owners

The amount of financial assistance payable to Permanent Residential Property Owners will be determined by the number of Permanent Residents living in the household in accordance with the following table:

<table>
<thead>
<tr>
<th># of Permanent Residential Property Owners and their minor dependents per household</th>
<th>Total Household Relocation Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$80,000</td>
</tr>
<tr>
<td>2</td>
<td>$90,000</td>
</tr>
<tr>
<td>3 or more</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

6.b. Permanent Residents of Voting Age Who Are Not Permanent Residential Property Owners

The amount of financial assistance payable to each Permanent Resident of voting age who is not a Permanent Residential Property Owner will be $10,000.
6.c. Commercial Property Owners
The amount of financial assistance payable to Commercial Property Owners will be two times the assessed value of the commercial property as determined by the Municipal Assessment Agency. If the Municipal Assessment Agency has not assessed the property within the twelve months immediately preceding the Relocation Request Date, the Agency will complete a new assessment of the property.

7. OTHER ASSISTANCE FOR RELOCATION
To help Permanent Residential Property Owners and Commercial Property Owners make informed legal decisions concerning the future of their Community, the Department of Municipal Affairs will pay legal fees related to consideration of the Department’s written offer detailing relocation assistance and transfer of legal title to their property to the Crown. The Department will contract for this service with a legal firm to be chosen by the Community’s Permanent Residential Property Owners. A Permanent Residential Property Owner or a Commercial Property Owner may use the services of a different legal firm of their choosing provided the individual(s) pay this expense themselves.

On request, the Department will also assist Permanent Residential Property Owners with the prior purchase of a property in another community by taking an interim mortgage on the property purchased. The maximum value of an interim mortgage will be 80% of the relocation assistance they will receive. The Department will release the interim mortgage after the property in the relocating Community is vacated and transferred to the Crown. The Department will recover the mortgage funds from the relocation assistance payment due to the person relocating.

8. LEGAL TITLE TO PROPERTY
The Crown will acquire unencumbered legal title to habitable residential structures and commercial properties for which relocation assistance is paid. The transfer of title will also include sufficient land for the beneficial use of the structure and any outbuildings located on that land.

The Department will not consider provision of relocation assistance for any properties other than habitable residential properties and commercial properties.

9. OCCUPYING A VACATED HOME
Former owners of residential property may request a five (5) year License to Occupy from the Department of Environment and Conservation, with all standard terms and conditions, to occupy vacated homes on a seasonal basis.

If a Community has also been declared an Evacuated Community under the Evacuated Communities Act, the individual must also request a Permit to Occupy from the Minister of Municipal Affairs.

Licenses to Occupy and Permits to Occupy will be renewed at the discretion of the Ministers.

10. COST TO GOVERNMENT TO PROVIDE SERVICES TO THE COMMUNITY
In evaluating a request for community relocation, the Minister of Municipal Affairs will consider the cost to Government to provide services to the Community over a twenty-year period. These services include, but are not limited to, ferry service, electricity, roads, schools, hospitals/health centres, future required infrastructure upgrades, municipal operating grants, municipal debt, and travel of Government staff. These costs will be
determined in consultation with the respective departments / agencies that provide the services.

In calculating the overall cost of relocation assistance, in addition to financial assistance paid to members of the community, the Minister will consider the cost of residual essential services for Permanent Residents who choose to remain in the Community, decommissioning costs for Government services to the Community, and future costs or liabilities the Province will assume when it acquires legal title to properties in the Community. This may include, for example, potential removal / remediation costs related to deteriorating structures, residential oil tanks, etc.

The Department of Municipal Affairs will consult with all Government departments, NL Hydro and the Community’s municipal leaders to ensure that the analysis of costs and benefits of relocation includes:

- a comprehensive listing of Government services provided to the Community;
- a profile of the Permanent Residents and Commercial Property Owners within the Community;
- an assessment of the indirect impacts of removing Government services, such as hydro lines and generators or transportation systems, on adjacent businesses or communities.

11. DISPOSITION OF GOVERNMENT OWNED PROPERTY
The Department of Municipal Affairs will inform the Department of Transportation and Works of government owned properties and properties not under a License to Occupy or Permit to Occupy that are in the relocated Community. In instances where Licenses to Occupy and Permits to Occupy expire and are not renewed, Municipal Affairs will inform Transportation and Works to include these properties as part of their inventory. Transportation and Works will take appropriate action to secure such properties to minimize risk to government, address any potential environmental concerns and implement disposal strategies as the need arises.

12. POLICY REVIEW / UPDATE
The effectiveness of this policy and its regulatory requirements will be evaluated no later than January 1, 2014 with the intention of revising or eliminating the policy as suggested by the evaluation.
The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:

a. The Community initiates contact with the Department concerning the possibility of relocation assistance;

b. The total cost of relocation assistance plus residual essential services for Permanent Residents who may choose to remain in the community does not exceed the cost to Government to deliver services to the Community for a twenty-year period;

c. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and

d. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government’s conditional offers to purchase.

The level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate.

Permanent Residents opting to remain in the Community after all other residents have relocated will:

a. Be provided with alternate public services at service levels which Government deems appropriate for the number of persons remaining in the Community.

b. Retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

After all Permanent Residents have vacated a Community, the Minister of Municipal Affairs will declare the Community to be an evacuated Community in accordance with the Evacuated Communities Act.

1. DEFINITIONS

1.a. Commercial Property Owner: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.

1.b. Community: Includes municipalities, local service districts, and / or unincorporated areas.

1.c. Non-Resident Residential Property Owner: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.
1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:
   i. The individual was temporarily absent from the community to attend grade school or post-secondary school.
   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
   iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

1.e. **Relocation Request Date:** The date on which the Department deems it has received the request to consider the Community’s eligibility for relocation assistance.

1.f. **Rental Property:** Habitable residential property which was rented as of the Relocation Request Date or which, though vacant on that date, had previously been rented and had been vacant for no more than six months immediately prior to that date.

1.g. **Permanent Residential Property Owner:** An individual who meets the criteria for a Permanent Resident and who also resides in and owns, either individually or jointly, habitable residential property in the Community requesting relocation.

2. **STEPS IN THE EVALUATION OF COMMUNITY RELOCATION REQUESTS**

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of that request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

c. Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government’s consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.

d. The Department will conduct a vote involving voting aged Permanent Residents. If the vote does not confirm that at least ninety percent of the eligible voters want to relocate, Government’s consideration of the relocation request will stop.

e. If the vote indicates ninety percent or more of the individuals eligible to participate in the community vote support relocation, the Department will request Government approval of:
   i. the relocation of the community;
   ii. sufficient funds to pay relocation assistance; and
   iii. an Order in Council, pursuant to section 4.1 of the Public Utilities Act (the Act) exempting utilities from the application of Section 38 of the Act for that community.
After receiving the approvals in Item (e), the Minister of Municipal Affairs will make conditional offers to purchase habitable residential properties. These conditional offers to purchase will be made to all Permanent Residential Property Owners. The conditional offers to purchase will include a clause making each offer conditional on at least ninety percent of Permanent Residential Property Owners signing written acceptance of the offers to purchase as drafted by the Minister. The Department of Municipal Affairs will pay the cost of a solicitor selected by the Community to assist Permanent Residential Property Owners in their review of the conditional offers to purchase and any other legal documentation involved if the relocation proceeds.

The Minister will approve the relocation assistance request if at least ninety percent of the Permanent Residential Property Owners in the community sign acceptance to the offers to purchase as drafted by the Minister.

The Department and all relocating property owners (including Permanent Residential Property Owners and Commercial Property Owners) will execute legal documents transferring title to the Crown in return for the relocation assistance detailed in the Department’s offer of assistance. Relocation assistance for Permanent Residents of voting age who are not Permanent Residential Property Owners will be processed at the same time.

3. APPEAL OF RESIDENCY STATUS DETERMINATION
The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

Within 15 calendar days of receiving an appeal of residency status, the Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal within 30 calendar days of being appointed. Having considered the reviewer’s recommendation, the Minister will make a final determination of residency status.

4. COMMUNITY-INITIATED, COMMUNITY-DRIVEN REQUEST FOR RELOCATION
The Department of Municipal Affairs may provide information or briefings on this policy at the request of Community residents. However, the formal assessment of a Community’s eligibility under this policy will only begin after Government receives clear indication that it is responding to a community-initiated, community-driven request for relocation assistance. Evidence of a community-initiated, community-driven request may be, for example, a written request from a Municipality or Local Service District, a petition from Community residents, or other indications acceptable to the Minister.

5. COMMUNITY VOTE
While an initial request will start contacts between a Community and the Department of Municipal Affairs...
concerning possible relocation assistance, the Department will assess the will of the Community through a vote on the question of relocation.

Only voting-aged Permanent Residents are eligible to vote on relocation. Joint property owners will each have one vote.

Each identifiable individual entitled to vote will be provided with an individual ballot which she/he will mail to the Department of Municipal Affairs in a pre-addressed, postage-paid envelope.

The Department of Municipal Affairs will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

6. FINANCIAL ASSISTANCE FOR RELOCATION
No resident will be required to relocate, but residents who do not relocate will not receive relocation assistance.

Relocation assistance is not intended to compensate individuals or businesses for loss of employment, income potential, or any other costs beyond those specifically mentioned in this policy.

Relocation assistance will be paid directly to Property Owners and also to Permanent Residents of voting age who are not Permanent Residential Property Owners.

Where a couple who has separated or divorced each have a property interest in a residential property or commercial property in the community, no relocation assistance will be provided unless proof of property interest is provided satisfactory to the Department. All parties with a property interest must sign and execute legal documents transferring freehold title to the Crown. In these cases, the relocation assistance will be divided proportionally in accordance with each person's proportional share in the property being transferred to the Crown.

Should a Community meet all eligibility requirements for relocation assistance, the Minister shall offer, in exchange for unencumbered legal title to land and structures and consent to the discontinuation of all municipal and provincial services to each resident, the following financial assistance to relocate:

6.a. Permanent Residential Property Owners
The amount of financial assistance payable to Permanent Residential Property Owners will be determined by the number of Permanent Residents living in the household in accordance with the following table:

<table>
<thead>
<tr>
<th># of Permanent Residential Property Owners and their minor dependents per household</th>
<th>Total Household Relocation Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$250,000</td>
</tr>
<tr>
<td>2</td>
<td>$260,000</td>
</tr>
<tr>
<td>3 or more</td>
<td>$270,000</td>
</tr>
</tbody>
</table>

6.b. Permanent Residents of Voting Age Who Are Not Permanent Residential Property Owners
The amount of financial assistance payable to each Permanent Resident of voting age who is not a Permanent Residential Property Owner will be $10,000.

6.c. Commercial Property Owners
The amount of financial assistance payable to Commercial Property Owners will be two times the assessed
value of the commercial property as determined by the Municipal Assessment Agency. If the Municipal Assessment Agency has not assessed the property within the twelve months immediately preceding the Relocation Request Date, the Agency will complete a new assessment of the property.

7. OTHER ASSISTANCE FOR RELOCATION
To help Permanent Residential Property Owners and Commercial Property Owners make informed legal decisions, the Department of Municipal Affairs will pay legal fees related to consideration of the Department’s written offer detailing relocation assistance and transfer of legal title to their property to the Crown. The Department will contract for this service with a legal firm to be chosen by the Community’s Permanent Residential Property Owners. A Permanent Residential Property Owner or a Commercial Property Owner may use the services of a different legal firm of their choosing provided the individual(s) pay this expense themselves.

On request, the Department will also assist Permanent Residential Property Owners with the prior purchase of a property in another community by taking an interim mortgage on the property purchased. The maximum value of an interim mortgage will be 80% of the relocation assistance they will receive. The Department will release the interim mortgage after the property in the relocating Community is vacated and transferred to the Crown. The Department will recover the mortgage funds from the relocation assistance payment due to the person relocating.

8. LEGAL TITLE TO PROPERTY
The Crown will acquire unencumbered legal title to habitable residential structures and commercial properties for which relocation assistance is paid. The transfer of title will also include sufficient land for the beneficial use of the structure and any outbuildings located on that land.

The Department will not consider provision of relocation assistance for any properties other than habitable residential properties and commercial properties.

9. OCCUPYING A VACATED HOME
Former owners of residential property may request a five (5) year License to Occupy from the Department of Environment and Conservation, with all standard terms and conditions, to occupy vacated homes on a seasonal basis.

If a Community has also been declared an Evacuated Community under the Evacuated Communities Act, the individual must also request a Permit to Occupy from the Minister of Municipal Affairs.

Licenses to Occupy and Permits to Occupy will be renewed at the discretion of the Ministers.

10. COST TO GOVERNMENT TO PROVIDE SERVICES TO THE COMMUNITY
In evaluating a request for community relocation, the Minister of Municipal Affairs will consider the cost to Government to provide services to the Community over a twenty-year period. These services include, but are not limited to, ferry service, electricity, roads, schools, hospitals/health centres, future required infrastructure upgrades, municipal operating grants, municipal debt, and travel of Government staff. These costs will be determined in consultation with the respective departments / agencies that provide the services.
In calculating the overall cost of relocation assistance, in addition to financial assistance paid to members of the community, the Minister will consider the cost of residual essential services for Permanent Residents who choose to remain in the Community, decommissioning costs for Government services to the Community, and future costs or liabilities the Province will assume when it acquires legal title to properties in the Community. This may include, for example, potential removal / remediation costs related to deteriorating structures, residential oil tanks, etc.

The Department of Municipal Affairs will consult with all Government departments, NL Hydro and the Community’s municipal leaders to ensure that the analysis of costs and benefits of relocation includes:
• a comprehensive listing of Government services provided to the Community;
• a profile of the Permanent Residents and Commercial Property Owners within the Community;
• an assessment of the indirect impacts of removing Government services, such as hydro lines and generators or transportation systems, on adjacent businesses or communities.

11. DISPOSITION OF GOVERNMENT OWNED PROPERTY
The Department of Municipal Affairs will inform the Department of Transportation and Works of government owned properties and properties not under a License to Occupy or Permit to Occupy that are in the relocated Community. In instances where Licenses to Occupy and Permits to Occupy expire and are not renewed, Municipal Affairs will inform Transportation and Works to include these properties as part of their inventory. Transportation and Works will take appropriate action to secure such properties to minimize risk to government, address any potential environmental concerns and implement disposal strategies as the need arises.

12. POLICY RESTRICTION
Individuals can only access relocation financial assistance once in a lifetime, effective from the date of this Policy.
The Department of Municipal Affairs will only consider relocation assistance requests that are community-initiated and community-driven. The Department will not initiate any actions to encourage relocation assistance requests from communities.

The Minister of Municipal Affairs may approve community-initiated, community-driven relocation requests that meet all four of the following criteria:

A. The Community initiates contact with the Department concerning the possibility of relocation assistance;
B. The total cost of relocation assistance does not exceed the cost to Government to deliver services to the Community for the applicable 10, 15, or 20 year period;
C. A vote on relocation demonstrates that ninety per cent or more of the voting aged Permanent Residents wish to relocate; and
D. Ninety per cent or more of Permanent Residential Property Owners subsequently sign Government's conditional offers of relocation financial assistance.

The maximum level of financial and other assistance provided for relocation will be limited to that stated in this policy.

If a Community relocation request is approved, no Permanent Resident who wishes to remain in the Community will be required to relocate. However, no services will be provided to anyone choosing to remain in a relocated Community.

Permanent Residents opting to remain in the Community after all other residents have relocated will retain the option of accepting the supports available under the Community Relocation Policy for one year subsequent to the date that the Minister approves relocation assistance.

1. DEFINITIONS
A. Commercial Property Owner: An individual or company that owns property within the Community and currently operates a commercial enterprise on that property or that owns a Rental Property in the Community.
B. Community: Includes municipalities, local service districts, and/or unincorporated areas.
C. Non-Resident Residential Property Owner: An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.
D. Permanent Resident: The following rules shall determine residency of a person for the purpose of the Community Relocation Policy:
(i) A person shall be a resident of the place where he or she lives and sleeps year-round, 365 days per year;
(ii) Residency is not lost by a person who leaves that residence for temporary purposes only, such as:

1. The individual was temporarily absent for a vacation or holiday;
2. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister;
3. The individual was temporarily absent to care for a close relative outside the relocating community;
4. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment; or
5. The individual was temporarily incarcerated.

(iii) Notwithstanding the above, a person who goes to a place outside the Community for a period of more than six months, in the one-year period preceding the relocation request date, ceases to be a permanent resident in the community, although he or she may intend to return at some future time, with the exception of those accessing ongoing health care treatment substantiated by a doctor’s note or temporarily incarcerated. A person residing in a Long-Term Care Home does not qualify as a permanent resident.

(iv) A person who has left his or her place of residence in the Community to pursue a course of study is considered to be a permanent resident in the place where he or she was residing immediately before leaving to pursue the course of study, and he or she is considered to continue to have that permanent residence until he or she completes or abandons the course of study.

(v) A person shall, for the purpose of the Community Relocation Policy, have only one place of residency.

(vi) Proof of residency must be satisfactory to the Department.

E. **Relocation Request Date:** The date on which the Department deems it has received the request to consider the Community's eligibility for relocation assistance.

F. **Rental Property:** Habitable residential property which was rented as of the Relocation Request Date or which, though vacant on that date, had previously been rented and had been vacant for no more than six months immediately prior to that date.

G. **Permanent Residential Property Owner:** An individual who meets the criteria for a Permanent Resident and who also resides in and owns, either individually or jointly, habitable residential property in the Community requesting relocation.

H. **Permanent Residential Non-Property Owner:** An individual of voting age who meets the criteria for a Permanent Resident but does not own residential or commercial property in the Community requesting relocation.

2. **STEPS IN THE EVALUATION OF COMMUNITY RELOCATION REQUESTS**

Steps in the evaluation of a community relocation request are:
A. Communities or a representative of a community must gauge the level of support for relocation by undertaking an Expression of Interest and submit ballots to the Department for consideration.

B. Pending overwhelming majority support to relocate which is reasonably close to 90 per cent, the Department will conduct a Preliminary Cost Benefit Analysis. The analysis will consider the approximate relocation costs compared to the total savings over the applicable 10, 15, or 20 year period (based on, if necessary, demographic information as provided by the Department of Finance) that would result from the withdrawal of Provincial Government services to the Community.

C. If the Preliminary Cost Benefit Analysis indicates that the relocation will likely result in net savings to Government, the Department will determine the residency status of persons in the Community and give written notification of the determination made in that regard.

D. As indicated in paragraph 3 below, individuals have a right to appeal the determination of residency status.

E. Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over the applicable 10, 15, or 20 year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government's consideration of relocation assistance will stop unless the community requests that the Department lower the relocation financial assistance in order to achieve a cost neutral position.

F. The Department will conduct a vote involving voting aged Permanent Residents. If the vote does not confirm that at least ninety percent (without rounding) of the eligible voters want to relocate, Government's consideration of the relocation request will stop.

G. If the vote indicates ninety percent or more of the individuals eligible to participate in the community vote support relocation, the Department will request Government approval of:
   i. the relocation of the Community;
   ii. sufficient funds to pay relocation assistance; and
   iii. an Order in Council, pursuant to section 4.1 of the Public Utilities Act (the Act) exempting utilities from the application of Section 38 of the Act for that Community.

H. The Minister will approve the relocation assistance request if at least ninety percent of the Permanent Residential Property Owners in the Community accept offers of relocation financial assistance as drafted by the Minister.

I. The Department and all relocating property owners (including Permanent Residential Property Owners and Commercial Property Owners) will sign legal documents detailing the provision of relocation financial assistance in exchange for the withdrawal of provincial
services. Relocation assistance for Permanent Residents of voting age who are not property owners will be processed at the same time.

3. **APPEAL OF RESIDENCY STATUS DETERMINATION**

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status. An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by this policy which may warrant an exception to the residency criteria.

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following receipt of written notification of the Department's decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

The Minister shall, within 30 days, appoint an independent reviewer to consider the appeal(s) and make a recommendation to the Minister. The reviewer may contact the person(s) who filed the appeal to request additional information but is not required to do so. The reviewer will be required to file a written report on the appeal(s) within 60 days. Having considered the reviewer's recommendation, the Minister will make a final determination of residency status.

4. **COMMUNITY-INITIATED, COMMUNITY-DRIVEN REQUEST FOR RELOCATION**

The Department of Municipal Affairs may provide information or briefings on this policy at the request of Community residents. However, the formal assessment of a Community's eligibility under this policy will only begin after Government receives clear indication that it is responding to a community-initiated, community-driven request for relocation assistance. Evidence of a community-initiated, community-driven request may be, for example, a written request from a Municipality or Local Service District, a petition from Community residents, or other indications acceptable to the Minister. In the absence of Expressions of Interest identified in Step 2 (A) of the Evaluation Steps, the Department will advise the Community on how to undertake the Expression of Interest Step.

5. **COMMUNITY VOTE**

While an initial request will start contact between a Community and the Department of Municipal Affairs concerning possible relocation assistance, the Department will assess the will of the Community through a vote on the question of relocation as per Step 2 (F).

Only voting-aged Permanent Residents are eligible to vote on relocation. Joint property owners will each have one vote.

Each identifiable individual entitled to vote will be provided with an individual ballot which she/he will mail to the Department of Municipal Affairs in a pre-addressed, postage-paid envelope.
The Department of Municipal Affairs will only release the aggregate results of the vote and will not release the specifics of how any identifiable individual voted.

6. FINANCIAL ASSISTANCE FOR RELOCATION
No resident will be required to relocate, but residents who do not relocate will not receive relocation assistance. No provincial services will be provided to those choosing to remain in a relocated community.

Relocation assistance is not intended to compensate individuals or businesses for loss of employment, income potential, or any other costs beyond those specifically mentioned in this policy.

Relocation assistance will be paid directly to Property Owners and also to Permanent Residents of voting age who are not Permanent Residential Property Owners.

Where a couple who has separated or divorced each have a property interest in a residential property or commercial property in the Community, no relocation assistance will be provided unless proof of property interest is provided satisfactory to the Department. In these cases, the relocation assistance will be divided proportionally in accordance with each person's proportional share in the property.

Should a Community meet all eligibility requirements for relocation assistance, the Minister shall offer, in exchange for consent to the discontinuation of all provincial services in the community, the following financial assistance to relocate:

A. **Permanent Residential Property Owners**
The amount of financial assistance payable to Permanent Residential Property Owners will be determined by the number of Permanent Residents living in the household in accordance with the following table:

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<th># of Permanent Residential Property Owners and their minor dependents per household</th>
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B. **Permanent Residents of Voting Age Who Are Not Permanent Residential Property Owners** The amount of financial assistance payable to each Permanent Resident of voting age who is not a Permanent Residential Property Owner will be $10,000.

C. **Commercial Property Owners**
The amount of financial assistance payable to Commercial Property Owners will be two times the assessed value of the commercial property as determined by the Municipal Assessment Agency. If the Municipal Assessment Agency has not assessed the property within the twelve months immediately preceding the Relocation Request Date, the Agency will complete a new assessment of the property.
7. OTHER ASSISTANCE FOR RELOCATION
To help Permanent Residential Property Owners and Commercial Property Owners make informed legal decisions, the Department of Municipal Affairs will pay legal fees related to consideration of the Department's written offer detailing relocation assistance and the discontinuation of provincial services. The Department will contract for this service with a legal firm to be chosen by the Community's Permanent Residential Property Owners. A Permanent Residential Property Owner or a Commercial Property Owner may use the services of a different legal firm of their choosing provided the individual(s) pay this expense themselves.

On request, the Department will also assist Permanent Residential Property Owners with the prior purchase of a property in another Community by taking an interim mortgage on the property purchased. The maximum value of an interim mortgage will be 80% of the relocation assistance they will receive. The Department will release the interim mortgage after all signed offers of financial assistance are received. The Department will recover the mortgage funds from the relocation assistance payment due to the person relocating.

8. TITLE TO PROPERTY
Permanent Resident Property Owners and Commercial Property Owners will retain title to their properties.

The Department will not consider provision of relocation assistance for owners of any properties other than habitable residential properties and commercial properties.

9. COST TO GOVERNMENT TO PROVIDE SERVICES TO THE COMMUNITY
In evaluating a request for Community relocation, the Minister of Municipal Affairs will consider the cost to Government to provide services to the Community over a 10, 15 or 20 year period, as applicable. These services include, but are not limited to, ferry service, electricity, roads, schools, hospitals/health centres, future required infrastructure upgrades, municipal operating grants, municipal debt, and travel of Government staff. These costs will be determined in consultation with the respective departments/ agencies that provide the services. Indirect ratepayer savings resulting from the elimination of NL Hydro services are included in the Cost Benefit Analysis.

The Department of Municipal Affairs will consult with all Government departments, NL Hydro and the Community's municipal leaders to ensure that the analysis of costs and benefits of relocation includes:
• a comprehensive listing of Government services provided to the Community;
• a profile of the Permanent Residents and Commercial Property Owners within the Community;
• an assessment of the indirect impacts of removing Government services, such as hydro lines and generators or transportation systems, on adjacent businesses or communities.

10. POLICY RESTRICTION
Individuals can only access relocation financial assistance once in a lifetime, effective from the date of the March 2013 Policy.
Part 3
July 4, 2013

Resident / Property Owner

Re: Permanent Residents, Non-Residents and Property Owners – William’s Harbour

Dear Resident / Property Owner,

On April 12, 2013, the Department of Municipal Affairs received a request from William’s Harbour for relocation financial assistance.

As per the Community Relocation Policy, the residency status of persons and property owners in William’s Harbour must be determined. Those determined to be permanent residents and permanent residential property owners will be permitted to vote on the question of relocation.

To assist government in this process, we ask that you complete and return the enclosed forms in the envelope provided by Friday, August 9, 2013. Please note that individuals should complete and return all forms applicable to them rather than making a joint submission. If we do not receive documentation from you by Friday, August 9, 2013 we will assume that you are not seeking permanent residency or property owner status.

In the event the included self-addressed envelope provided is lost or damaged, please forward all information to:

Community Relocation Office
Department of Municipal Affairs
Government of NL
Confederation Building
4th Floor, West Block
St. John’s, NL
A1B 4J6

A copy of the Community Relocation Policy is enclosed for your reference. Should you have any questions concerning this matter, please contact the Community Relocation Office at (709) 729-5288 or relocation@gov.nl.ca.

Sincerely,

Andrew Wright
Manager – Community Liaison

cc: Labrador Regional Office, Municipal Affairs
Encl. Affidavit, Schedule A, Community Relocation Policy
**Instructions:** Please complete each section of the form that applies to you. If you are declaring William’s Harbour to be your permanent residence, please complete section A. If you own residential property in William’s Harbour, please complete section B. If you own commercial property in William’s Harbour, please complete section C. This Affidavit must be sworn to by a solicitor, notary public, commissioner of oaths or other individual qualified to administer such an oath.

**IN THE MATTER** of the possible relocation of William’s Harbour, Newfoundland and Labrador

**TO WIT:**

**AFFIDAVIT**

I __________________________, of __________________________, in the Province of __________________________, make oath and say that the statements that follow are accurate and true.

**SECTION A – Permanent Resident**

1) William’s Harbour has been my permanent residence for the past _____ years since the year ___. I have not established permanent residency in another community.

2) During each of the two 12 month periods immediately preceding the relocation request date of 12 April 2013, I resided in William’s Harbour for at least 183 days.

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<tr>
<th>April 2013</th>
<th>___ days</th>
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</thead>
</table>

Please enter the number of days spent at your residence in William’s Harbour for each of the 24 months preceding the relocation request date into the table above.

3) The property listed (please provide address) below is my permanent residence.

________________________________________________________________________

________________________________________________________________________
4) My address as depicted on my income tax returns for 2010, 2011 and 2012 is
___________________________________________________________________________

5) My address as listed on my current driver license is
___________________________________________________________________________

6) My address as listed on my utility bill(s) is
___________________________________________________________________________

7) I am registered to vote in the community of William’s Harbour in the upcoming 2013 municipal elections. YES or NO. 

8) I will provide the following available information and consent to verify my claims as per the attached forms in Schedule A:

- Copy of recent utility bill(s) for my permanent residence;
- Copy of recent phone bill for my permanent residence;
- Copy of current driver license;
- Marriage license and/or birth certificates as applicable; and
- Any other documentation, which proves residency. This could include letters from a doctor, employer or school in accordance with section 1(d) of the Community Relocation Policy.

9) General Comments (Please provide any additional comments regarding your residency claim.)
SECTION B – Property Ownership

1) I have owned the following property(ies) in William’s Harbour for the indicated number of years. 

(Please provide all addresses)

<table>
<thead>
<tr>
<th>Property</th>
<th>Full Name</th>
<th>Relationship</th>
<th>Occupation</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
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</table>

2) The number of residents living at my permanent residence in William’s Harbour is _________. In the table below I have provided accurate information regarding these residents as well as other residents living at my other owned properties.

3) General Comments (Please provide any additional comments regarding your property ownership claim.)
### SECTION C – Commercial Property Ownership

1) I have owned the following commercial property(ies) in William’s Harbour for the indicated number of years. *(Please provide all addresses and a description of how the property supports your business)*

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Years Owned</th>
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<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<td>3.</td>
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</tr>
</tbody>
</table>

2) I will provide the following available/applicable information and consent to verify my claims as per the attached forms in Schedule A:

- License/Permit associated with your business;
- Business taxes;
- Income tax remittances;
- Income statements;
- List of revenues and expenses;
- Rental income and expenses; and
- Other documentation deemed appropriate considering the nature of the commercial enterprise.
3) General Comments (Please provide any additional comments regarding your commercial property ownership claim.)

SWORN TO before me this __________ day of __________ A.D. 2013

__________________________________________
Signature:

__________________________________________
Witness:

26
SCHEDULE A

TO: CANADA REVENUE AGENCY

RE: CONSENT TO RELEASE INFORMATION

I hereby provide my consent for the release of my income tax return, address and contact information as reported on my 2010, 2011, and 2012 income tax returns to the Department of Municipal Affairs, Local Governance Division for the purpose of administering the Community Relocation Policy. Please assist representatives of the Department of Municipal Affairs by providing this information.

Social Insurance Number: ________________________________

Name: ________________________________________________

Date: ______________ Signature: _________________________

Disclosure: Under the authority of the Department of Municipal Affairs’ Community Relocation Policy, personal information is collected in order to determine residency and property owner status. This information is kept confidential and handled as required by the Access to Information and Protection of Privacy (ATIPP) Act. Personal information may be disclosed to the Department of Municipal Affairs under section 39(1)(b) or (u) of the ATIPP Act.

Any questions or comments can be directed to the Community Relocation Office by telephone, (709) 729-5288 or email relocation@gov.nl.ca
SCHEDULE A

TO: SERVICE NL, MOTOR REGISTRATION DIVISION

RE: CONSENT TO RELEASE INFORMATION

I hereby provide my consent for the release of personal information, specifically address information, confirmation of driver license validity and status to the Department of Municipal Affairs, Local Governance Division for the purpose of administering the Community Relocation Policy. Please assist representatives of the Department of Municipal Affairs by providing requested information regarding my driver license information with Service NL, Motor Registration Division.

Driver License Number: _____________________________

Name: __________________________________________

Date: _______________ Signature:___________________

Disclosure: Under the authority of the Department of Municipal Affairs’ Community Relocation Policy, personal information is collected in order to determine residency and property owner status. This information is kept confidential and handled as required by the *Access to Information and Protection of Privacy (ATIPP) Act*. Personal information may be disclosed to the Department of Municipal Affairs under section 39(1)(b) or (u) of the ATIPP Act.

Any questions or comments can be directed to the Community Relocation Office by telephone, (709) 729-5288 or email relocation@gov.nl.ca
SCHEDULE A

TO: __________________________ (_____ ) (Insert Telephone Service Provider and (Initial))

RE: CONSENT TO RELEASE INFORMATION

I hereby provide my consent for the release of telephone service records and contact information, to the Department of Municipal Affairs, Local Governance Division for the purpose of administering the Community Relocation Policy. Please assist representatives of the Department of Municipal Affairs by providing this information.

Property Addresses and respective Telephone Numbers

1. ____________________________________________

2. ____________________________________________

3. ____________________________________________

4. ____________________________________________

Name: ________________________________________

Date: _______________ Signature: ________________

Disclosure: Under the authority of the Department of Municipal Affairs' Community Relocation Policy, personal information is collected in order to determine residency and property owner status. This information is kept confidential and handled as required by the Access to Information and Protection of Privacy (ATIPP) Act. Personal information may be disclosed to the Department of Municipal Affairs under section 39(1)(b) or (u) of the ATIPP Act.

Any questions or comments can be directed to the Community Relocation Policy by telephone, (709) 729-5288 or email relocation@gov.nl.ca
SCHEDULE A

TO: NEWFOUNDLAND AND LABRADOR HYDRO

RE: CONSENT TO RELEASE INFORMATION

I hereby provide my consent for the release of billing and electricity consumption records and contact information to the Department of Municipal Affairs, Local Governance Division for the purpose of administering the Community Relocation Policy. Please assist representatives of the Department of Municipal Affairs by providing this information.

Property Addresses

1. __________________________

2. __________________________

3. __________________________

4. __________________________

Name: _______________________

Date: ___________________ Signature: ____________

Disclosure: Under the authority of the Department of Municipal Affairs’ Community Relocation Policy, personal information is collected in order to determine residency and property owner status. This information is kept confidential and handled as required by the Access to Information and Protection of Privacy (ATIPP) Act. Personal information may be disclosed to the Department of Municipal Affairs under section 39(1)(b) or (u) of the ATIPP Act.

Any questions or comments can be directed to the Community Relocation Office by telephone, (709) 729-5288 or email relocation@gov.nl.ca
Part 12
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [REDACTED]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

[REDACTED] (the ‘Appellants’) provided a signed affidavit, dated July 15, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants’ claim by the Department, by letter dated June 10, 2014 they have been determined by the Department to be non-resident residential property owners of William’s Harbour because they had established permanent residency in [REDACTED].

The Appellants requested a review of this determination by letter dated June 20, 2014.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the the Policy to review the Appellants’ claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy
The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)

Background Facts

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the
reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term Williams Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.

**The Decision Appealed From**

Based on the affidavit supplied by the Appellants and other information available to the Department, the Department found them to be non-
residents of Williams Harbour because they had established permanent residency in [redacted] thereby contrary to paragraph 1(d) (b) of the Policy.

The following additional factors were also considered:

- Driver’s License Address: On their affidavit, the Appellants indicated that their home address was shown as
- Canada Revenue Agency Income Tax Address: for the years 2007, 2008 and 2009 the Appellants’ address was confirmed as
- Supplementary Information (bills): While the Appellants provided sample bills showing the mailing addresses for their William’s Harbour home.
- Supplementary Information (letter): The Appellants provided a letter from the community of [redacted] saying that they do not own property in that community.

**The Facts in Appeal**

The Appellants are [redacted] who had operated for many years [redacted] from William’s Harbour. In [redacted] they [redacted] their [redacted] in William’s Harbour. [redacted]
The Appellants use postal services in both and William’s Harbour and have established mailing addresses in both communities. William’s Harbour has no postal service, other than postal boxes for the delivery of mail. They had needed full postal services to support...

The Appellants contend that their current living arrangements were developed only because of (a) the diminishing number of services available in William’s Harbour, (b) their and (c) the lack of supports and isolation during the winter in a community which was clearly shrinking in both size and services.

**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

- a: the interpretation of facts by the Department related to residency, or
- b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

- a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
- b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, while the Appellants were able to satisfy the Policy’s 183-day residency requirement for William’s Harbour, *(and perhaps other considerations not outlined in their rejection letter)* have disentitled them from permanent residency status for William’s Harbour.

This result seems abundantly unfair in light of the life circumstances of the Appellants. *(not purchased or built another home in another community, and they continue to live for more than 200 days per year in William’s Harbour are all facts that are problematic to ignore.)*

The Policy attempts to determine the difficult status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses, are being considered. When a person lives for at least 183 days (i.e., more than ½ year) as a means of initially establishing permanent residency in one location, it is impossible for that same person to live for a longer period in another place during the same year. One 183-day residency period necessarily eliminates the other (except in a leap year).

It is therefore unclear in the Policy how permanent residency is established in another community. If short-term occupation of a residence in another community is the fact that disentitles an appellant to residency status in the community under consideration, that fact should be clearly stated in the Policy.
For the purposes of this appeal, I consider time spent as a primary factor, but other indicators of permanency can and must be considered.

I am satisfied that the Department has not interpreted the facts appropriately and that Appellants here are entitled to be considered as permanent residents of William’s Harbour under the Policy. The history of [redacted] commitment to living in William’s harbour for over 200 days in each year as long as is humanly possible (given [redacted] the shrinking population and services available to residents), all suggest that the Appellants are entitled to permanent residency status. The fact that they a) spend the majority of their annual time there, b) they have not established another residency in another community and c) the fact that they have had a long-term family and continuing connection to William’s Harbour are all factors leading to that conclusion.

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Recommendation**

I recommend that [redacted] be considered as permanent residents of William’s Harbour under the Policy, entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

_________________________________________
John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [Redacted]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

[Redacted] (the ‘Appellant’) provided a signed affidavit, dated July 15, 2013, and other information in support of the claim for Permanent Resident status under the Policy.

Following a review of the Appellant’s claim by the Department, by letter dated June 10, 2014 it has been determined by the Department to be non-resident residential property owner of William’s Harbour because [Redacted] had established permanent residency in [Redacted]

The Appellant requested a review of this determination by undated letter received within the time limited for appealing.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the 'Minister') to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy
The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

   iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
Background Facts

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term Williams Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
**The Decision Appealed From**

Based on the affidavit supplied by the Appellant and other information available to the Department, the Department found [redacted] to be non-residents of Williams Harbour because [redacted] had *established permanent residency in [redacted]* as set out in paragraph 1.2 (b) of the *Policy*.


The following additional factors were also considered:

- **Driver’s License Address:** the Appellant’s home address was shown as William’s Harbour.
- **Supplementary Information (bills):** The Appellant provided various utility bills showing the address of [redacted] post office box in William’s Harbour.
- **Supplementary Information [redacted]:** The Appellant’s 2012 and 2013 [redacted] each show William’s Harbour as [redacted] address.

**The Facts in Appeal**
The affidavit filed by the Appellant claims that [redacted] actually occupied [redacted] William’s Harbour home for 265 days in 2011 and 202 days in 2012, although it is admitted that the time spent [redacted] counted [redacted] as time spent in William’s Harbour.

The Appellant maintains that [redacted] has no right of access [redacted] except in accordance [redacted]

**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellant is entitled to be considered as a permanent resident of William’s Harbour for the purposes of the Policy.

**Consideration of the Appeal**
Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, while the Appellant was able to easily satisfy the Policy’s 183-day residency requirement for William’s Harbour, (and perhaps other considerations not outlined in the rejection letter) have disentitled from permanent residency status for William’s Harbour.

This result seems abundantly unfair in light of the life circumstances of the Appellant maintains home in William’s Harbour, that community as long as the will allow and continues to live for more than 200 days per year in (or from) William’s Harbour. These are all facts that are difficult to ignore.

The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses, are being considered. When a person lives for at least
183 days (i.e., more than ½ year) as a means of initially establishing permanent residency in one location, it is impossible for that same person to live for a longer period in another place during the same year. One 183-day residency period necessarily eliminates the other (except in a leap year).

It is therefore unclear in the *Policy* how permanent residency is established for another community. If short-term occupation of a residence owned by another person in another community is the fact that disentitles an appellant to residency status in the community under consideration, that fact should be clearly stated in the *Policy*.

For the purposes of this appeal, I consider that the Appellant’s time spent in William’s Harbour home and while in that community as primary factors, but other indicators of permanency can and must be considered.

I am satisfied that the Department has not interpreted the facts appropriately and that Appellant here is entitled to be considered as a permanent resident of William’s Harbour under the *Policy*. The fact that a) he spends the majority of his annual year there, b) he has not established another residency in another community, and c) the fact that he has a continuing connection to William’s Harbour are all factors leading to that conclusion.

is not an appellant under the *Policy*.
Decision on the Appeal

Accordingly, this Independent Reviewer finds that the Appellant is entitled to be considered as a permanent resident of William’s Harbour for the purposes of the Policy.

Recommendation

I recommend that be considered as a permanent resident of William’s Harbour under the Policy, entitled to the rights and privileges associated with such status

Respectfully submitted on September 29, 2014.

_________________________________
John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

The Appellants (the ‘Appellants’) provided signed affidavits, dated July 19, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants claim by the Department, by letter dated June 10, 2014 they have been determined by the Department to be non-resident residential property owners of William’s Harbour because they had established permanent residency in

The Appellants requested a review of this determination by letter dated July 7, 2014.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.
   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
   iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. **Steps in the Evaluation of Community relocation requests**

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. **Appeal of Residency Status Determination**

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
**Background Facts**

The Community of William's Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William's Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William's Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William's Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From

Based on the affidavits supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of William’s Harbour because they had *established permanent residency in [redacted] as set out in paragraph 1.2 (b) of the Policy.*

The affidavits of residency filed by the Appellants stated that they actually occupied their Williams Harbour home as follows:

- 262 days in 2011 and 301 in 2012
- 294 days in 2011 and 303 days in 2012

The following additional factors were also considered:

- Canada Revenue Agency: [redacted] shows William’s Harbour as [redacted] addresses.
- Supplementary Information: [redacted] provided pieces of correspondence showing [redacted] address as either William’s Harbour or [redacted]
- Supplementary Information: [redacted] provided a comment that [redacted]

The Facts in Appeal
The affidavit filed by [redacted] claims that [redacted] actually occupied [redacted] William’s Harbour home for 262 days in 2011 and 303 in 2012, although it is admitted that the time spent [redacted] counted by [redacted] as time spent in William’s Harbour. The affidavit filed by [redacted] claims that [redacted] actually occupied [redacted] William’s Harbour home for 294 days in 2011 and 303 in 2012, although it is admitted that much of [redacted] time is actually spent in [redacted] has counted this time as time spent in William’s Harbour, based on [redacted] understanding of the Policy.
**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Consideration of the Appeal**

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, while the Appellants were able to easily satisfy the Policy’s 183-day residency requirement for William’s Harbour, based on their interpretation of the Policy, the Department found that the time spent in [redacted] (and perhaps other considerations not outlined in the rejection letter) have disentitled them from permanent residency status for William’s Harbour.

This result seems somewhat unfair in light of the life circumstances and history of the Appellants. They maintain and live whenever possible in their home in William’s Harbour and [redacted] that community as
have a significant connection to William’s Harbour. circumstances have dictated that a although interestingly life is beginning to move away from William’s Harbour, except for purposes which will tie them significantly to that community for the foreseeable future.

The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses and ownership of homes elsewhere, are being considered. When a person lives for at least 183 days (i.e., more than \( \frac{1}{2} \) year) as a means of initially establishing permanent residency in one location, it is impossible for that same person to live for a longer period in another place during the same year. One 183-day residency period necessarily eliminates the other (except in a leap year).

It is therefore unclear in the Policy how permanent residency is established for another community. If short-term occupation of a residence in another community is the fact that disentitles an appellant to residency status in the community under consideration, that fact should be clearly stated in the Policy.

For the purposes of this appeal, I consider that time spent in their William’s Harbour home and while community as primary factors, but other indicators of permanency can and must be considered.
I am satisfied that the Appellants still have a sufficient connection to William’s Harbour to conclude that it is still their permanent residence for the purposes of the Policy. During the two years under examination, the time spent in [redacted] is excusable because of [redacted]. At the time of their application, [redacted] had their principal connection with William’s Harbour, except that [redacted]. The exception to an individual [redacted] should also be reasonably interpreted to include [redacted].

This is not the case of an Appellant who is a [redacted] person moving away from William’s Harbour for [redacted] purposes, not expecting to return. There is a greater connection for [redacted] to William’s Harbour in this case.

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Recommendation**

I recommend that [redacted] be considered as a permanent resident of William’s Harbour under the Policy, entitled to the rights and privileges associated with such status.
Respectfully submitted on September 29, 2014.

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John F. Roil, Q.C.

Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [Redacted]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

The Appellants (the ‘Appellants’) provided signed affidavits, dated July 16, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants’ claim by the Department, by letter dated June 10, 2014 they have been determined by the Department to be non-resident residential property owners of William’s Harbour because they had “established a permanent residency in [Redacted].”

The Appellants requested a review of this determination by undated letter accepted as being filed on time by the Department.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
Background Facts

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From
Based on the affidavits supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of William’s Harbour because they were permanent residents of [redacted] as set out in paragraph 1.2 (b) of the Policy.

The affidavits of residency filed by the Appellants stated that they actually occupied their William’s Harbour home during 2011 and 2012 for the months of June to November which would be 182 days in each year.

The following additional factors were also considered:

- Supplementary Information (bills): The Appellants provided utility and other bills showing the address of their post office box in Williams Harbour.
- Supplementary Information: A letter from the Community of [redacted] stating that the Appellants did not own property in [redacted].
- Marriage and Baptism Certificates showing William’s Harbour as addresses.

The Facts in Appeal
The affidavits filed by the Appellants states that they actually occupied their William’s Harbour home for only 182 days in each of 2011 and 2012, although in speaking with them, it was suggested that they may have spent a day or so more or less in each year because it was impossible for them to be precise. Their pattern of living in recent years is to live in William’s Harbour for about 6 months in each year.

**Issue for Resolution**
The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**
Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, **or**
b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; **and**
b: not establishing a “permanent residency” in another community; **and**
c: proof satisfactory to the Department of requirements in a and b.
In this case it appears that the Appellants were not able to satisfy the Policy’s 183-day residency requirement for William’s Harbour and that this fact alone was sufficient to deny them permanent residency status. They do not own a home in

This result seems somewhat unfair in light of the life circumstances of the Appellants since they still maintain their only home in William’s Harbour and occupy it for as much of the year as is humanly possible, given

The Policy attempts to determine the difficult status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses, are being considered. When a person lives for at least 183 days (i.e., more than ½ year) to initially establish permanent residency in one location, it is more easy to determine his or her residency status.

The Department has concluded that the Appellants had established permanent residency status in because that is where they have spent one-half of the year for the past two years.

Based on the information the Appellants have submitted, it is clear that their principle residence is not in They might, however, have been found to be simply ‘seasonal residents’ of William’s Harbour.

The Policy allows for a seasonal type of status known as:

**Non-Resident Residential Property Owner:** An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community
requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

Because they continue to live in their only home in William’s Harbour for at least 6 months in each year, I believe they are in reality more than simply ‘seasonal residents’ of William’s Harbour. Any other result would be unfair given their a) [redacted], b) the fact that they [redacted], and c) the 183 minimum requirement has almost been met by them. They are not simply residing in William’s Harbour for 3 or 4 months, as some seasonal residents do. They live there for as long as they can.

I find in the Appellants’ case sufficient unique circumstances to warrant an exception to the normal 183-day requirement as the time that one must spend in the community under review. Except for the count of a day or two, they would satisfy the normal initial test of occupancy.

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Recommendation**

I recommend that [redacted] be considered as permanent residents of William’s Harbour under the Policy. They are entitled to the rights and privileges associated with such status.
Respectfully submitted on September 29, 2014.

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John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [redacted]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

The Appellants (the ‘Appellants’) provided signed affidavits dated July 23, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants claim by the Department, by letter dated June 10, 2014 they have all been determined by the Department to be non-resident residential property owners of William’s Harbour because they each had established permanent residency in [redacted].
The Appellants requested a review of these determinations by undated letter dated acknowledged by the Department as filed within time limits.

On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

**The Community Relocation Policy**

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. **Definitions**

1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory
to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
Background Facts

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From

Based on the affidavits supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of William’s Harbour because they had *established permanent residency in* [redacted] as set out in paragraph 1.2 (b) of the Policy.

The affidavits of residency filed by each of the Appellants stated that they actually occupied their Williams Harbour home in excess of 320 days in each of the 12 month periods in each of 2011 and 2012. These dates are, however, tied to their arguments that time spent in [redacted] is effectively to be treated as time spent in William’s Harbour because their presence in [redacted] is required for [redacted]

The following additional factors were also considered:

- Drivers Licenses: [redacted] license showing William’s Harbour as home addresses.
- Canada Revenue Agency: Income tax filings for [redacted] show William’s Harbour as their address;
- Supplementary Information: [redacted] utility invoices and other correspondence show [redacted] address at William’s Harbour.
- Supplementary Information: [redacted] and other correspondence showing home addresses at William’s Harbour
- Supplementary Information: [redacted]
The Facts in Appeal

The affidavit filed by the Appellants claims that they actually lived in their William’s Harbour home for over 330 days in each of 2011 and 2012, although it is admitted that the time they spent in [REDACTED] has been counted as time in William’s Harbour because of the [REDACTED] exceptions in the Policy, based on their own interpretation of the Policy.
**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or

b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and

b: not establishing a “permanent residency” in another community; and

c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, while the Appellants were able to easily satisfy the *Policy*’s 183-day residency requirement for William’s Harbour (based on their own interpretation of the *Policy*), the Department found that the time they spent in [redacted] (and perhaps other considerations not outlined in the rejection letter) have disentitled them from permanent residency status for William’s Harbour.

This result seems somewhat unfair in light of the life circumstances and history of the Appellants’ life decisions. They continue to maintain and live whenever possible in their home in William’s Harbour. They plan to
have a significant employment connection to William’s Harbour.

The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses and ownership of homes elsewhere, are being considered. When a person lives for at least 183 days (i.e., more than \( \frac{1}{2} \) year) as a means of initially establishing permanent residency in one location, it is impossible for that same person to live for a longer period in another place during the same year. One 183-day residency period necessarily eliminates the other (except in a leap year).

It is therefore unclear in the Policy how permanent residency is established for another community. If in another community is the fact that disentitles an appellant to residency status in the community under consideration, that fact should be clearly stated in the Policy.

For the purposes of this appeal, I consider that time spent in their as falling within the two exceptions to the 183-day actual
residency requirement of the Policy. Paragraphs 12 appear to cover...

It is also interesting to note that the receipt of...
granted only because of and are conditional upon...
‘primary’ residence being William’s Harbour.

At the time of their application, had their principle connection with William’s Harbour, except that the...

On this basis, I conclude that the Department was in error in its interpretation of the Policy as applied to the members of...

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that all the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Recommendation**

I recommend that be considered as a permanent residents of William’s Harbour under the Policy, entitled to the rights and privileges associated with such status.
Respectfully submitted on September 29, 2014.

______________________________________

John F. Roil, Q.C.

Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [Redacted]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

[Redacted] (the ‘Appellant’) provided a signed affidavit stating only that [Redacted] had been a resident of William’s Harbour for [Redacted] years but no other information in support of [Redacted] claim for Permanent Resident status under the Policy. [Redacted] did not complete the section setting out [Redacted] residency claims for the years 2011 and 2012.

Following the Department’s review of the Appellant’s claim and other information provided by [Redacted] and by the Chair of the local service district, by letter dated June 10, 2014 the Appellant was determined by the Department to be non-resident of William’s Harbour. No specific reasons for this determination were given in that letter.
The Appellant requested a review of this determination.

On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the 'Minister') to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy
The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

   1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

   (a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
**Background Facts**

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the remainder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From
Based on the information available to the Department, the Appellant was found to be a non-resident of William’s Harbour.

The Reviewer is not aware of the information relied upon by the Department in making its determination. The lack of any evidence of a claim being an actual resident of William’s Harbour for 2011 and 2012 was clearly a factor.

The Facts in Appeal

The Appellant maintains that William’s Harbour is still home. is not a permanent resident of or of the

Issue for Resolution
The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellant is entitled to be considered as a permanent resident of William’s Harbour for the purposes of the Policy.
Consideration of the Appeal

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, based on the information acquired by the Reviewer, the Appellant is unable to satisfy the Policy’s initial 183-day residency requirement for William’s Harbour. This is not a case where I was absent temporarily for

It seems abundantly clear that the Appellant’s connection to William’s Harbour has faded significantly in recent years. I may return there from time to time to visit but I is unlikely to reside there again in the future.

The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that
community seems to be a primary focus, although other factors are being considered.

I am satisfied that the Department has interpreted the facts appropriately and that Appellant here is not entitled to be considered as a permanent resident of William’s Harbour under the *Policy*. The fact that [redacted] has spent the majority of [redacted] past two or more years away from William’s Harbour is the principal factor leading to that conclusion. One cannot be a permanent resident of a community if one has not lived there recently, has no property connection to that place and has no expectation of returning there on a regular basis in the future.

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that the Appellant is not entitled to be considered as a permanent resident of William’s Harbour for the purposes of the *Policy*.

**Recommendation**

I recommend that [redacted] not be considered as a permanent resident of William’s Harbour under the *Policy*. [redacted] is not entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

______________________________
John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

‘Appellants’) each provided a signed affidavit, dated August 1, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants’ claim by the Department, by letter dated June 10, 2014 they have been determined by the Department to be non-resident residential property owners of William’s Harbour.

The Appellants requested a review of this determination by undated letter which has been accepted by the Department as having been filed within the time limited to do so.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellants’ claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

**The Community Relocation Policy**

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. **Definitions**

   1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

   (a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
Background Facts
The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From

Based on the affidavit supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of Williams Harbour because their affidavit indicated that they “permanently reside in” [redacted].

The affidavits filed by the Appellant’s were not completed with respect to the important question of how many days they had actually resided in William’s Harbour in each of 2011 and 2012.

The following additional factors were also considered:

- Supplementary Information (utility bills): The Appellant [redacted] provided sample bills showing supply of electricity to and the mailing address for their William’s Harbour home.

The Facts in Appeal
**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Consideration of the Appeal**

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that the Appellants were unable to satisfy the Policy’s 183-day residency requirement for William’s Harbour. Their occupation of their home in [Redacted] (and perhaps other considerations not outlined in their rejection letter) has disentitled them from permanent residency status for William’s Harbour.
The Department has concluded that the Appellants had established permanent residency status in [REDACTED] because that is where they have spent the majority of their time in the past number of years.

Based on the information the Appellants have submitted, it is clear that their principle residence is now in reality [REDACTED]. They could also be found to be simply ‘seasonal residents’ of William’s Harbour.

The *Policy* allows for a seasonal type of status known as:

**Non-Resident Residential Property Owner:** An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

While at some time in the past the Appellants would have clearly satisfied the status as permanent residents of William’s Harbour, the passage of time has resulted in them now being only seasonal residents of that community. That result might appear unfair to them in their personal circumstances, but the *Policy* is clear that seasonal residents of William’s Harbour are not entitled to the status of permanent residency.

I do not have the ability to alter the current *Policy* and I do not find in the Appellants’ case sufficient exceptional circumstances to warrant an exception to the normal requirement that one must spend the majority of one’s time in the community under review.

As unfair as this result may seem to the Appellants, it is the manner in which the *Policy* has been designed and I am bound by the terms of the *Policy*.
I am satisfied that the Department has interpreted the facts appropriately and that Appellants here are not entitled to be considered as permanent residents of William’s Harbour under the current Policy. The fact that they spend the majority of their annual time in [redacted] is the primary factor leading to that conclusion.

**Decision on the Appeal**

Accordingly, this Independent Reviewer finds that the Appellants are not entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

**Recommendation**

I recommend that [redacted] not be considered as permanent residents of William’s Harbour under the Policy. They are not entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

_________________________________

John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of...
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the 'Minister') to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy
The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. **Steps in the Evaluation of Community relocation requests**

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. **Appeal of Residency Status Determination**

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)

**Background Facts**

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the
reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.

**The Decision Appealed From**

Based on the affidavits supplied by the Appellants and other information available, the Department found them to be non-residents of William’s
Harbour because they were permanent residents of [redacted] contrary to paragraph 1(d) (b) of the Policy.

The affidavits of residency filed by the Appellants did not indicate when they actually occupied their William’s Harbour home during 2011 and 2012.

The following additional factors were also considered:
  • Supplementary Information (bills): The Appellant provided various utility bills showing the address of their post office box in Williams Harbour.

The Facts in Appeal
**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and

c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that the Appellants were not able to satisfy the *Policy*’s initial 183-day residency requirement for William’s Harbour and that this fact alone was sufficient to deny them permanent residency status.

The *Policy* attempts to determine the difficult status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses, are being considered. When a person lives for at least 183 days (i.e., more than ½ year) to initially establish permanent
residency in one location, it is more easy to determine his or her residency status.

The Department concluded that the Appellants had established permanent residency status in [redacted] because that is where they have spent the majority of their time in the past two years.

Based on the information the Appellants have submitted, it is clear that their principle residence is now [redacted]. But they could also be determined to be simply ‘seasonal residents’ of William’s Harbour.

The Policy allows for a seasonal type of status known as:

**Non-Resident Residential Property Owner:** An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

While at some time in the past the Appellants would have clearly satisfied the status of permanent residents of William’s Harbour, the passage of time has resulted in them now only being seasonal residents of William’s Harbour. That result might appear apparently unfair in their [redacted], but the Policy is clear that seasonal residents of William’s Harbour are not entitled to the status of permanent residency.

I do not have the ability to alter the current Policy and I do not find in the Appellants’ case sufficient exceptional circumstances exist to warrant an exception to the normal requirement that one must spend the majority of one’s time in the community under review.
As unfair as this result may seem to the Appellants, it is the manner in which the Policy has been designed and I am bound by the terms of the Policy.

**Decision on the Appeal**
Accordingly, this Independent Reviewer finds that the Appellants are not entitled to be considered as permanent residents of Williams Harbour for the purposes of the Policy.

**Recommendation**
I recommend that **[redacted]** not be considered as permanent residents of William’s Harbour under the Policy. They are not entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

________________________________________

John F. Roil, Q.C.
Independent Reviewer
DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary

The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

The ‘Appellants’) provided signed affidavits dated August 1, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants’ claim by the Department, by letter dated June 10, 2014 they have all been determined by the Department to be non-resident residential property owners of William’s Harbour because they had established permanent residency in
The Appellants requested a review of these determinations by letter dated July 5, 2014.

On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

**The Community Relocation Policy**

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. **Definitions**

1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory
to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
Background Facts

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From

Based on the affidavits supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of William’s Harbour because they had *established permanent residency in* [redacted] as set out in paragraph 1.2 (b) of the *Policy*.

The affidavit of residency filed by [redacted] stated that [redacted] actually occupied [redacted] William’s Harbour home for 228 days in 2011 and 264 days in 2012. The affidavit of residency filed by [redacted] stated that [redacted] actually occupied [redacted] William’s Harbour home for 229 days in 2011 and 214 days in 2012. These dates are, however, tied to their arguments that time spent in [redacted] is effectively to be treated as time spent in William’s Harbour because [redacted] [redacted]

The following additional factors were also considered:

- Drivers Licenses: [redacted] License is showing William’s Harbour as [redacted] home address.
- Canada Revenue Agency: income tax return for [redacted] shows William’s Harbour as [redacted] address;
- Supplementary Information [redacted] utility invoices and other correspondence show address at William’s Harbour.
- Supplementary Information (both): Various utility invoices and other correspondence showing their home address at William’s Harbour.
The Facts in Appeal

The affidavits filed by the Appellants claim that they actually lived in their William’s Harbour home for in excess of 200 days in each of 2011 and 2012, although it is admitted that the time they spent in [redacted] has been counted by them as time in William’s Harbour.
because of the exceptions in the *Policy*, based on their own interpretation of the *Policy*.

**Issue for Resolution**
The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**
Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

- a: the interpretation of facts by the Department related to residency, or
- b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

- a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; **and**
- b: not establishing a “permanent residency” in another community; **and**
- c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, while the Appellants were able to easily satisfy the *Policy*’s 183-day residency requirement for William’s Harbour (based only on their own interpretation of the *Policy*), the Department found that the time they spent in (and perhaps other considerations not outlined in the rejection letter) have disentitled them from permanent residency status for William’s Harbour.
This result seems reasonable in light of the life circumstances and history of the Appellants’ life decisions. Some persons move temporarily for [REDACTED] and for other temporary purposes. Those people continue to maintain and live whenever possible in their home in William’s Harbour. They plan or hope to have a significant continuing connection to William’s Harbour. That is not the case with [REDACTED]

The *Policy* attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community in recent years seems to be a primary focus, although other factors, such as mailing addresses and ownership of homes elsewhere, are being considered. Future intention may be a factor when looking at things such as schooling and medical conditions.

For the purposes of this appeal, I have concluded that the Appellant’s have in reality made a major lifestyle change in community that is effectively their home. Their house in William’s Harbour is now closed. They may continue to use it as a seasonal residence from time to time, but it is not at all likely that they will live there as a [REDACTED] again to the degree that it could be called a permanent residence. The all point to the conclusion that they are no longer permanent residents of William’s Harbour.

I am satisfied that the Appellants do not have a sufficient connection to William’s Harbour to conclude that it is still their permanent residence for the purposes of the *Policy*. While the determination of residency under the *Policy* appears to be more focused on past activities than on
future intentions, at the time of their application had their principle connection with On this basis, I conclude that the Department was not in error in its interpretation of the Policy as applied to There are no exceptional circumstances which warrant a change in that decision.

Decision on the Appeal
Accordingly, this Independent Reviewer finds that all the Appellants are not entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

Recommendation
I recommend that not be considered as permanent residents of William’s Harbour under the Policy. They are not entitled to the rights and privileges associated with that status.

Respectfully submitted on September 29, 2014.

____________________________________
John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

[Redacted] (the ‘Appellant’) provided a signed affidavit, dated July 15, 2013, and other information in support of [Redacted] claim for Permanent Resident status under the Policy.

Following a review of the Appellant’s claim by the Department, by letter dated June 10, 2014 [Redacted] has been determined by the Department to be non-resident residential property owner of William’s Harbour because [Redacted] had established permanent residency in [Redacted]

The Appellant requested a review of this determination by e-mail dated July 5, 2014.
On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)

Background Facts
The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the
reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.

**The Decision Appealed From**

Based on the affidavit supplied by the Appellant and other information available to the Department, the Department found [redacted] to be a non-
resident of William’s Harbour because [redacted] had established permanent residency in [redacted] as set out in paragraph 1.2 (b) of the Policy.


The following additional factors were also considered:

- Canada Revenue Agency: The Appellant files income tax return showing an address of William’s Harbour.
- Supplementary Information (bills): The Appellant provided various utility bills showing the address of [redacted] post office box in William’s Harbour.
- Supplementary Information

The Facts in Appeal

The affidavit filed by the Appellant states that [redacted] actually occupied [redacted] Williams Harbour home for only 152 days in 2011 and only 110 days in 2012. During the other months each year, [redacted] resides mainly in one
The Appellant explains that

**Issue for Resolution**
The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellant is entitled to be considered as a permanent resident of William's Harbour for the purposes of the *Policy*.

**Consideration of the Appeal**
Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one's home if the community is resettled.

As stated in the *Policy*, an appeal can be based on either:

- a: the interpretation of facts by the Department related to residency, or
- b: upon circumstances not envisaged by the *Policy* which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

- a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
- b: not establishing a "permanent residency" in another community; and
- c: proof satisfactory to the Department of requirements in a and b.
In this case it appears that the Appellant was not able to satisfy the Policy’s 183-day residency requirement for William’s Harbour and that this fact alone was sufficient to deny permanent residency status.

The Policy attempts to determine the difficult status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses, are being considered. When a person lives for at least 183 days (i.e., more than ½ year) as a means of initially establishing permanent residency in one location, it is more easy to determine his or her residency status.

The Department had concluded that the Appellant has established permanent residency status in because that is where has spent the majority of time in the past two years.

The Department has interpreted the Policy inappropriately by finding the Appellant to be a permanent resident of That error does not, however, benefit the Appellant, since a finding of permanent residency status in another community is not required.

The Policy also allows for a seasonal type of status known as:

**Non-Resident Residential Property Owner:** An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

While the Appellant would have at some time in the past clearly satisfied the status of permanent resident of William’s Harbour, the passage of time and resulted in now only being a
seasonal resident of William’s Harbour. That result may seem unfair to
in circumstances, but the Policy is clear that seasonal residents
of William’s Harbour are not entitled to the status of permanent resident.
I do not have the ability to alter the current Policy and I do not find in the
Appellant’s case sufficient exceptional circumstances to warrant an
exception to the normal requirement that one must spend the majority of
one’s time in the community under review.

The Appellant is also not ‘temporarily’ absent for in William’s Harbour is not just a
temporary feature of life. This is not the circumstance anticipated by
the exception in the Policy.

Decision on the Appeal
Accordingly, this Independent Reviewer finds that the Appellant is not
entitled to be considered as a permanent resident of William’s Harbour
for the purposes of the Policy.

Recommendation
I recommend that not be considered as a permanent
resident of William’s Harbour under the Policy. is not entitled to the
rights and privileges associated with such status

Respectfully submitted on September 29, 2014.

________________________________________
John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their residency status under the Policy.

The Appellants (the ‘Appellants’) provided signed affidavits dated August 1, 2013, and other information in support of their claim for Permanent Resident status under the Policy.

Following a review of the Appellants’ claim by the Department, by letter dated June 10, 2014 they have all been determined by the Department to be non-resident residential property owners of William’s Harbour because they each had established permanent residency in [redacted]
The Appellants requested a review of these determinations by undated letter dated acknowledged by the Department as filed within time limits.

On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the 'Minister') to be an independent reviewer under the Policy to review the Appellant's claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory
to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department’s determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department’s determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria. (emphasis added)

An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)
**Background Facts**

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the reminder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCOR diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.

On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the *Policy*. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.
The Decision Appealed From

Based on the affidavits supplied by the Appellants and other information available to the Department, the Department found them to be non-residents of William’s Harbour because they had *established permanent residency in* [redacted] as set out in paragraph 1.2 (b) of the *Policy*.

The affidavits of residency filed by all of the Appellants stated that they actually occupied their William’s Harbour home 365 days in each of the two prior calendar years. These dates are, however, tied to their arguments that time spent in [redacted] is effectively to be treated as time spent in William’s Harbour because [redacted]

The following additional factors were also considered:

- Drivers Licenses: showing William’s Harbour as their home addresses, although a receipt for a [redacted] address as [redacted]
- Canada Revenue Agency: GST documentation for [redacted] shows William’s Harbour as [redacted] address; remittance forms for [redacted] showing William’s Harbour as their address.
- Supplementary Information: [redacted] utility invoices and other correspondence show address at William’s Harbour.
- Supplementary Information: [redacted] and other correspondence showing home addresses at William’s Harbour;
- Supplementary Information: receipts showing [redacted]
The Facts in Appeal

The affidavit filed by the Appellants claims that they actually lived in their William’s Harbour home for 365 days in each of 2011 and 2012, although it is admitted that the time they spent in [redacted] has been counted by them as time in William’s Harbour because of the exceptions in the Policy, based on their own interpretation of the Policy.

To receive such [redacted] must have been found [redacted] to be residents of William’s Harbour at that time.
The following comments from [Redacted] letter of appeal dated June 30, 2014 makes the following frank observations:

[Redacted] letter of appeal has similar observations and comments.

[Redacted] is currently working in [Redacted] and [Redacted] has begun a [Redacted].

**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellants [Redacted] are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.
Consideration of the Appeal

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled.

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and

c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that the Appellants were only able to satisfy the Policy’s 183-day residency requirement for William’s Harbour based on their own interpretation of the Policy. The Department found that the time they spent in _______ and perhaps other considerations not outlined in the rejection letter have disentitled them from permanent residency status for William’s Harbour.

That result is clearly fair and reasonable in light of the life circumstances and history of the Appellants’ recent _______. While they may continue to maintain and occupy occasionally in their home in William’s Harbour, it is clear that _______ has moved away from William’s Harbour, sparked initially by the _______ but added to by _______ all of which has removed them significantly from that community in the recent past and for the immediate future.
The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community seems to be a primary focus, although other factors, such as mailing addresses and ownership of homes elsewhere, are being considered. Major life decision must also be a factor.

The residency exception for purposes is intended only to cover temporary absences from the community, not for life decisions about where one will spend the years following.

It is unclear in the Policy how permanent residency is established for another community. Short-term occupation of a rented residence in that community may not automatically disentitle an appellant from permanent residency status in the community under consideration, but other long-term family decisions may also have impact.

For the purposes of this appeal, I consider that the time spent by as not falling within the temporary exception to the 183-day residency requirement of the Policy. By 2012

Here it is clear that, although the initial decision to move may have been prompted by the has made a decision to leave their permanent life in William’s Harbour behind. is another factor to be considered in coming to that conclusion.
I am satisfied that the Appellants do not have a sufficient connection to William’s Harbour to conclude that it is still their permanent residence for the purposes of the Policy.

The Department concluded that the Appellants had established permanent residency status in [redacted] because that is where they have spent the majority of their time in the past two years. Based on the information the [redacted] have submitted themselves, it is not clear to me that the principal residence of [redacted] is William’s Harbour. But that conclusion does not have to be reached. [redacted] could have been determined to be simply ‘seasonal residents’ of William’s Harbour.

The Policy allows for a seasonal type of status known as:

**Non-Resident Residential Property Owner:** An individual who does not fall within the definition of a Permanent Resident but who owns habitable residential property in the Community requesting relocation. This will normally include persons who maintain seasonal homes in the Community.

While at some time in the past all of the Appellants would have clearly satisfied the status of permanent residents of William’s Harbour, the passage of time has resulted in them now only being Non-Resident Residential Property Owners or seasonal residents of William’s Harbour. That result might appear unfair to them in their personal circumstances, but the Policy is clear that seasonal residents of William’s Harbour are not entitled to the status of permanent residency.

On this basis, I conclude that, although the Department was in error in its interpretation of the Policy as applied to the [redacted] by
concluding that were permanent residents of that error does not benefit the Appellants in their appeals. They may not have achieved permanent residency status in is now, however, only a Non-Resident Residential Property Owner or a seasonal resident of William’s Harbour, and that is all that is needed for them to be excluded as permanent residents of that community.

Decision on the Appeal
Accordingly, this Independent Reviewer finds that the Appellants are entitled to be considered as permanent residents of William’s Harbour for the purposes of the Policy.

Recommendation
I recommend that not be considered as permanent residents of William’s Harbour under the Policy. They are not entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

John F. Roil, Q.C.
Independent Reviewer
In the Matter of the
Relocation of William’s Harbour
and
the Appeal of [redacted]

DECISION ON APPEAL OF RESIDENCY STATUS

Preliminary
The Government of Newfoundland and Labrador has a Community Relocation Policy (the ‘Policy’) regarding the processes applicable to requests for assistance by individuals in relocating from communities which are subject to being declared to be ‘evacuated communities’.

On April 12, 2013, the Department of Municipal Affairs (the Department) received a request to relocate the community of William’s Harbour, NL. On June 10, 2013, the Department requested documentation from all known residents in William’s Harbour to determine their resideny status under the Policy.

[redacted] (the ‘Appellant’) provided a signed affidavit dated July 19, 2013 stating that had resided in William’s Harbour in 2011 for 334 days and in 2012 for 345 days, although added the following comment:

With that affidavit the Appellant provided other documentation, some of which showed William’s Harbour as mailing address and some showed [redacted] as address.
Following the Department’s review of the Appellant’s claim and other information not disclosed, by letter dated June 10, 2014 the Appellant was determined by the Department to have ‘established a permanent residency in [redacted].’

By letter dated July 7, 2014 the Appellant requested a review of this determination.

On August 28, 2014, the undersigned was appointed by the Minister of Municipal Affairs (the ‘Minister’) to be an independent reviewer under the Policy to review the Appellant’s claim and to report not later than September 29, 2014.

This Report constitutes the Recommendations of the independent reviewer under that Policy.

The Community Relocation Policy

The Government of Newfoundland and Labrador has provided within the Policy the process applicable to determine the status and the resolution of appeals from persons claiming to be Permanent Residents of a community declared to be an evacuated community. The following extracted provisions of the Policy are relevant to the outcome this Appeal:

1. Definitions

1.d. Permanent Resident: Permanent residency is established if, in each of the two twelve-month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as
residing in the Community and will count toward calculation of the 183 days:

i. The individual was temporarily absent from the Community to attend grade school or post-secondary school.

ii. The individual was temporarily absent for medical reasons substantiated by a doctor's note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

iii. The individual or his/her spouse worked outside the Community and regularly returned to the Community between periods of outside employment.

(b) The individual did not establish permanent residency in another community; and

c) Proof of (a) and (b) must be satisfactory to the Department.

2. Steps in the Evaluation of Community relocation requests

After the Department of Municipal Affairs receives a request for relocation assistance and determines the Relocation Request Date, consideration of the request will proceed according to the following steps:

a. The Department will determine the residency status of persons in the Community (i.e., Permanent Resident or Non-Resident Residential Property Owner) and give written notification of the determination made in that regard.

b. As indicated in paragraph 3 below, individuals have the right to appeal the determination of residency status.

3. Appeal of Residency Status Determination

The Department's determination of residency status impacts on eligibility to vote in the Community vote and on the determination of the level of relocation assistance payable.

An individual may appeal the Department's determination of residency status (i.e., Permanent Resident or Non-Resident Residential Property Owner). An appeal may be based on either the interpretation of facts by the Department related to residency or upon circumstances not envisaged by this policy which may warrant an exception to the residency criteria.
An appeal must be made in writing to the Minister of Municipal Affairs within 30 calendar days following the receipt of written notification of the Department’s decision on residency status. The appeal request must include all documentation and must detail all arguments in support of the appeal.

(Portions omitted)

**Background Facts**

The Community of William’s Harbour lies on the east side of an island at the mouth of Gilbert Bay on the coast of Labrador. It is accessible to the remainder of the Labrador portion of the Province by ferry (operating 2 round trips per week) from Port Hope Simpson.

William’s Harbour is an unincorporated community comprising approximately 25 homes, some in good repair and some dilapidated, all clustered around the harbour. The ferry wharf is in generally good repair. There are no commercial enterprises (other than personal fishing enterprises) or other community support structures or services available, except for one small dry goods/convenience store. A fish plant which was the commercial lifeblood of the community burned many years ago and was not replaced. There is no post office (only community mailbox delivery is available) and no provincial government services are provided other than the ferry service and a landing strip for small aircraft (used for medical evacuations and mail delivery). Community electrical power is provided by a NALCORM diesel generating plant. The Grade 1-9 school is closed and the remaining Anglican Church is used very infrequently.

Many long-term William’s Harbour residents have either a family or property connection to Port Hope Simpson where other normal community services, such as a school, a medical clinic and general shopping are all available.
On its review of residency status, there were 45 individuals who claimed to be residents of William’s Harbour. A total of 17 Individuals (6 couples and 5 singles) were found to be Permanent Residents under the Policy. All others, including the Appellants, were determined to be Seasonal Residents or Permanent Residents of another community.

**The Decision Appealed From**

Based on the information available to the Department, the Appellant was found to have established permanent residency in [redacted].

**The Facts in Appeal**

The Reviewer was unable to make personal contact with [redacted] so some information was provided by [redacted].

**Issue for Resolution**

The issue for resolution in this Appeal is whether, in the context of all of the available evidence, the Appellant is entitled to be considered as a permanent resident of William’s Harbour for the purposes of the Policy.
Consideration of the Appeal

Permanent residency brings with it two important benefits: the right to vote on resettlement and the right to compensation for one’s home if the community is resettled and if one owns a home (which is not the case here).

As stated in the Policy, an appeal can be based on either:

a: the interpretation of facts by the Department related to residency, or
b: upon circumstances not envisaged by the Policy which may warrant an exception to the residency criteria.

Normal residency requirements are established by:

a: actually residing in the community for at least 183 days in the two 12-month periods prior to the effective date; and
b: not establishing a “permanent residency” in another community; and
c: proof satisfactory to the Department of requirements in a and b.

In this case it appears that, based on the information acquired by the Reviewer, the Appellant is only able to satisfy the Policy’s initial 183-day residency requirement for William’s Harbour if one considers

This is not a case where [redacted] was absent ‘temporarily’ for [redacted] is unlikely to ever return permanently given [redacted] and the lack of employment prospects in William’s Harbour.

It seems abundantly clear that the Appellant’s connection to William’s Harbour [redacted] may return there
but it is unlikely to reside there again in the future. There is no permanence to connections there.

The Policy attempts to determine the problematic status of permanent residency for the community being resettled. Time actually spent in that community may be a primary focus, although other factors are being and should be considered.

I am satisfied that the Department has interpreted the facts appropriately and that Appellant here is not entitled to be considered as a permanent resident of William’s Harbour under the Policy. The fact that has spent the majority of past two or more years away from William’s Harbour is the principal factor leading to that conclusion. One cannot be a permanent resident of a community if one has not lived there recently, has no property connection to that place, but that status has changed, not just temporarily.

I am unable to conclude that is currently a permanent resident of as the Department had concluded. But that determination is unnecessary. is simply not a permanent resident of William’s Harbour for the purposes of the Policy, and that is the only determination that needs to be made.

Decision on the Appeal
Accordingly, this Independent Reviewer finds that the Appellant is not entitled to be considered as a permanent resident of William’s Harbour for the purposes of the Policy.
**Recommendation**

I recommend that [REDACTED] not be considered as a permanent resident of William’s Harbour under the *Policy*. [REDACTED] is not entitled to the rights and privileges associated with such status.

Respectfully submitted on September 29, 2014.

________________________________________

John F. Roil, Q.C.

Independent Reviewer
Part 13
Hi Andrew:

Anything new to report on this issue? I understand that the former Minister has resigned and may be replaced this week.

Thanks,

John

-----Original Message-----
From: Wright, Andrew [mailto:AndrewWright@gov.nl.ca]
Sent: June 11, 2014 10:55 AM
To: [hidden]
Subject: Relocation Appeals

Hi John,

I am following up on our discussion from several months ago. We anticipate that we need an independent reviewer for relocation appeals within the next two months. Are you interested and available, and has your fee increased from Round Harbour files of a few years ago?

Thanks again.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

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No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4592 / Virus Database: 3972/7695 - Release Date: 06/17/14
Hi Mr. Roil,

I’m Amber Rossiter, we met yesterday. I’ve been helping Andrew Wright on the community relocation of Snook’s Arm and William’s Harbour over this summer.

In each appeal folder there were contact numbers, and after calling them myself today, I realized that I made a couple of mistakes. The contacts for these people were wrong, here are the correct ones:

Also, I was speaking with a family member that told me they won’t be available until [redacted].

Sorry about any inconvenience.

Have a nice day,

Amber Rossiter
Andrew/Aber:

All is well. I have made contact with the one appellant from Snook's Arm and had a good discussion with him. He wants me to visit and I will go. That is quite easy! No compelling issues there that I can currently see.

I touched base with the contact person you mentioned (I don't have the file with me and I am on the east coast) and mentioned my involvement to some of the folks from William's Harbour, who were difficult to reach, during their 'Codfish Days' civic event. I have spoken to a few of them and reviewed their files. The "jury is still out" on whether a visit there can be achievable.

So my September 29 objective for everything to be complete is quite achievable. Would it be useful if I reported on Snook's Arm earlier because I can certainly do that? But I will need much of September to complete that community because of my other commitments that were already on the radar screen when this assignment arose.

Your comments.

John

On Aug 7, 2014, at 10:44 AM, "Wright, Andrew" <AndrewWright@gov.nl.ca> wrote:

John, how is everything going? Any issues?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca

Thanks, Amber.

I too have left a voice mail for We'll see how that develops.

The contact for William's Harbour should be helpful. I understand from the radio that they are soon having a "community event", homecoming or whatever (for the last time) soon, so that may focus attention on my involvement.
On Aug 1, 2014, at 10:54 AM, "Rossiter, Amber-Lynn" <AmberLynnRossiter@gov.nl.ca> wrote:

Hi John,

I just have another small email for you regarding the appeals.

There were a few people I wasn’t able to get a hold of for a few days now, and I don’t see you getting through to them all either.
The main people that I have not been able to speak to – or leave a voicemail for are:

I was speaking with Andrew about this and he told me that I should provide you with George Russell’s number, as he is the Local Service District Chair and should have contact info for everyone. His number is ____________

I hope you’re able to get a hold of everyone.

Have a lovely day,

Amber Rossiter

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More to follow. Originals are signed.

JFR
please confirm if you have them all.

Thx.

J
Good morning John,

Can we have a brief discussion today regarding your appeal reports for William’s Harbour. There are a couple of appellants that wish to see your reports.

Thank you.

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
Part 14
Decision Note
Department of Municipal and Intergovernmental Affairs

Title: Community Relocation Residency Determination Appeals of Snook’s Arm and William’s Harbour

Decision Required:
- Whether to accept Mr. John Roil’s 13 recommendations following his independent review of 13 appeals by property owners in Snook’s Arm (one) and William’s Harbour (12) who were determined by the department to be non-resident property owners.

Background and Current Status:
- On 23 July 2014, Mr. John Roil was appointed as the Independent Reviewer to consider 13 appeals by property owners in Snook’s Arm (one) and William’s Harbour (12) who were determined by the department to be non-resident property owners.
- Those identified as permanent residents over the age of 18 are eligible to vote on relocation, and furthermore they are entitled to relocation financial assistance.
- To determine the permanent residents of Snook’s Arm and William’s Harbour, the department requested and reviewed affidavits and supporting documents from residents and property owners who were identified by the Local Service District Chairs.
- The affidavits provided information about family composition; address information; property ownership; commercial property ownership; and time spent in the community. The residents and property owners were also requested to permit the department to confirm their home addresses with entities such as Service NL and Canada Revenue Agency (CRA). Review of this secondary information was necessary to independently validate the information in the affidavit.
- The supporting documents/information reviewed by the department included:
  - Copies of driver license or identifications;
  - Utility bills;
  - CRA income tax filing address;
  - Marriage/Birth Certificates;
  - Other documents sent by the applicants; and
  - Documents in support of commercial property ownership such as income tax forms, licenses, etc.
- The residency determination process was essentially a table top exercise based on reviewing the information received from each resident and/or property owner. Where MIGA officials noted concerns or had questions about the affidavits or supporting documentation, they followed up with applicants by email or phone.
- As per the Community Relocation Policy (the Policy), those determined to be non-resident property owners by MIGA officials have a right to appeal. An appeal may be based upon either the interpretation of facts by the Department related to residency or upon circumstances not envisioned by the Policy which may warrant an exception to the residency criteria. The Minister shall appoint an independent reviewer to consider the appeal and make a recommendation to the Minister. The Minister will make the final residency determination.
- The Policy indicates that permanent residency is established if, in each of the two twelve month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:
(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve-month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:
   i. The individual was temporarily absent from the community to attend grade school or post-secondary school.
   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.
   iii. The individual or his/her spouse worked outside the Community and Regularly returned to the Community between periods of outside employment.
(b) The individual did not establish permanent residency in another Community; and
(c) Proof of (a) and (b) must be satisfactory to the Department.

• Mr. Roil travelled to Snook’s Arm and William’s Harbour and met with most of the appellants in addition to reviewing the information received by MIGA officials. This comprehensive review allowed Mr. Roil to substantiate or validate details provided on the affidavit form (and in the supporting information). On 29 September 2014, Mr. Roil submitted his 13 appeal reports with recommendations to the Minister as follows:
   o Agreed with 7 residency determinations based on the fact that the department interpreted the facts correctly:
   o Disagreed with 6 residency determinations based on his assessment that the department incorrectly interpreted the facts: Mr. Roil disagreed with the department’s interpretation that the residents-in-question had established permanent residency in other communities. In these cases, although the residents in fact had homes, rented property or lived with family in other communities, Mr. Roil believed they still met the required number of days in the community or their circumstances warranted an exception under the Policy. The following provides details of the 6 files Mr. Roil is recommending be overturned:

1. Appeal of

2. Appeal of

All redactions on this page are under s.40(1)
• Pivotal to Mr. Roil’s recommendations to overturn these 6 decisions is either due to the fact that: (a) the 183 day per annum requirement was actually achieved; or (b) the 183 day per annum requirement was not met due to schooling, health or work reasons, all of which are consistent with current exceptions in the Policy.
If the Minister accepts Mr. Roil’s recommendations, MIGA will have determined the following:

- **With respect to Snook’s Arm:**
  - 26 eligible voters (18 or over);
  - 4 households eligible to receive $250,000;
  - 9 households eligible to receive $260,000;
  - 1 household eligible to receive $270,000;
  - 2 voting age non-property owner eligible to receive $10,000;
  - 5 applications for commercial property owner status. The department requires more information to determine their status.
  - Total Household, Permanent Resident Non-Property Owner Assistance and estimated Commercial Property assistance is anticipated to be $4.4M. This includes legal fees, appeal fees as well as a 15 per cent contingency;
  - Estimated 20 year net savings is anticipated to be $19.1M.
  - Estimated 20 year net savings (Net Present Value adjusted) is 12.1M.

- An appellant still dissatisfied following the Minister’s final residency determination could take legal action against government. If this occurs, the department will have to decide whether to proceed with the relocation process or wait pending the outcome of any legal action.
- The 20-year cost savings is still under final review. During the final review phase, department stakeholders will review and confirm the analysis. Historically, the 20-year cost benefit calculations have been done using current value dollars which does not reflect the
cost of inflation or the decrease in value of money over time. The use of Net Present Value (NPV) adjustments will adjust for these factors and the Department of Finance has indicated that financial analysis which extends over such a long period should be prepared on a NPV basis.

- The Policy is silent on whether this analysis should be completed on a current value or net present value basis.
- If the basis of the analysis (current or NPV) changes whether a community meets the cost/savings test required per the Policy and the community otherwise meets all criteria in the Policy to support relocation, this will be reflected in the cabinet submission and a decision on interpretation of the Policy will be made at that time.

**Recommendation and Next Steps:**
- It is recommended that the Minister accept each of Mr. Roil’s 13 recommendations.
- After each appellant is notified of the outcome of their appeal, the department will conclude the 20 year cost-benefit analysis for each community to confirm if there will be savings to government from the withdrawal of services. If each analysis indicates a savings to government, the department will conduct a vote on relocation in each community.

Prepared/Approved by: A. Wright / A. Morgans / C. Janes
Approved by:
Date: 19 January 2014
Part 15
Dear [Redacted]

RE: Potential Relocation William’s Harbour

In April 2013, the Department of Municipal and Intergovernmental Affairs received a request to relocate the Community of William’s Harbour. In July 2013, in accordance with the Community Relocation Policy, we requested signed affidavits and supporting information from all known residents and property owners in William’s Harbour in order to determine their status in the community.

After an extensive review of your affidavits and the supplementary information you provided, we have determined you to be permanent resident property owners of William’s Harbour. As permanent residents, you are eligible to vote on the potential relocation of the community. If the relocation proceeds, as permanent resident property owners in [Redacted] you are eligible for $260,000 in relocation financial assistance.

The Community Relocation Policy provides for an appeal process for individuals dissatisfied with their residency determination. If you wish to appeal this decision you must submit your request within 30 days of receipt of this notice, including rationale and supporting documentation, to the Community Relocation Office by email to relocation@gov.nl.ca or by postal mail to the following address:

Community Relocation Office
Department of Municipal and Intergovernmental Affairs
P.O. Box 8700, St. John’s, NL
A1B 4J6

Once appeals have been heard and residency status determinations have been finalized, the Department will complete a cost-benefit analysis to determine if there will be net savings to government as a result of relocation. If this analysis suggests there will be savings, the Department will conduct a vote of all voting-age permanent residents to determine if they wish to relocate.

Should you have any questions or concerns please contact the Community Relocation Office at 729-5288 or relocation@gov.nl.ca.
Government of Newfoundland and Labrador
Department of Municipal and Intergovernmental Affairs
Local Governance Division

Sincerely,

ANDREW WRIGHT
Manager - Community Liaison, Municipal and Intergovernmental Affairs
Dear [Name]

Re: Potential Relocation of William’s Harbour

I am writing to you regarding the potential relocation of William’s Harbour and your recent residency status appeal.

Based on Mr. John Roil’s independent review, I have accepted the recommendation that you meet the criteria of permanent resident property owners of William’s Harbour. Should relocation occur, this status will make you eligible for $270,000 in relocation financial assistance. It will also enable you to vote on the potential relocation.

If you have any questions regarding this matter, please contact Andrew Wright, Manager - Community Liaison at 729-7143 or andrewwright@gov.nl.ca.

Sincerely,

KEITH HUTCHINGS, MHA
District of Ferryland
Minister of Municipal and Intergovernmental Affairs
Part 18
RE: Potential Relocation of William’s Harbour

In April 2013, the Department of Municipal and Intergovernmental Affairs received a request to relocate the Community of William’s Harbour. In July 2013, in accordance with the Community Relocation Policy, we requested signed affidavits and supporting information from all known residents and property owners in William’s Harbour in order to determine their status in the community.

Section 1.d. of the policy defines a permanent resident to be:

1.d. **Permanent Resident:** Permanent residency is established if, in each of the two twelve - month periods immediately preceding the Relocation Request Date, an individual fulfills the requirements listed in (a), (b) and (c) below:

(a) The individual resided in the Community requesting relocation for at least 183 days in each of the two twelve - month periods. Absences from the Community for the following reasons will be accepted as residing in the Community and will count toward calculation of the 183 days:

   i. The individual was temporarily absent from the community to attend grade school or post-secondary school.

   ii. The individual was temporarily absent for medical reasons substantiated by a doctor’s note satisfactory to the Minister or to assist a close relative who was temporarily absent for medical reasons.

   iii. The individual or his / her spouse worked outside the Community and regularly returned to the Community between periods of outside employment;

(b) The individual did not establish permanent residency in another Community; and

(c) Proof of (a) and (b) must be satisfactory to the Department.

Based on this definition, we have determined you to be non-resident property owner of William’s Harbour. This determination is based on an extensive review of your affidavit and supplementary information you provided that you established permanent residency in which is contrary to 1.d. (b) above.
Please be advised that non-resident property owners are not eligible to vote on the potential relocation of a community, and if the community relocation proceeds you are not eligible for relocation assistance.

The Community Relocation Policy provides for an appeal process for individuals dissatisfied with their residency determination. If you wish to appeal this decision you must submit your request within 30 days of receipt of this notice, including rationale and supporting documentation, to the Community Relocation Office by email to relocation@gov.nl.ca or by postal mail to the following address:

Community Relocation Office
Department of Municipal and Intergovernmental Affairs
P.O. Box 8700, St. John’s, NL
A1B 4J6

If we do not hear from you within the required time frame for requesting an appeal, we will assume you are satisfied with your non-resident property owner determination.

Should you have any questions or concerns please contact the Community Relocation Office at 729-5288 or relocation@gov.nl.ca.

Sincerely,

ANDREW WRIGHT
Manager - Community Liaison, Municipal and Intergovernmental Affairs
Re: Potential Relocation of William’s Harbour

I am writing to you regarding the potential relocation of William’s Harbour and your recent residency status appeal.

Based on Mr. John Roil’s independent review, I have accepted the recommendation that you do not meet the criteria of a permanent resident of William’s Harbour. This means you are ineligible for relocation financial assistance and you are not eligible to vote on the potential relocation. I have enclosed Mr. Roil’s report for your information.

Please note, there is no further appeal process available under the Community Relocation Policy, however, if you remain dissatisfied with your residency determination, you have the option of pursuing a judicial review of the matter.

If you have any questions regarding this matter, please contact Andrew Wright, Manager - Community Liaison at 729-7143 or andrewwright@gov.nl.ca.

Sincerely,

KEITH HUTCHINGS, MHA
District of Ferryland
Minister of Municipal and Intergovernmental Affairs

Encl: Copy of John Roil Report
Title: Potential Relocation of William's Harbour

Decision Required:
- Whether to approve the Cost Benefit Analysis for William's Harbour and proceed to the community vote for voting-aged permanent residents.
- It is recommended that:
  1. The Cost Benefit Analysis indicating net savings to government over a 20 year period from the relocation of William's Harbour be approved;
  2. Proceed to the vote for voting-aged permanent residents.

Background and Current Status
- The Local Service District of Williams Harbour (the LSD) is located in the Cartwright–L'Anse au Clair District in Labrador. Map is attached as Annex A.
- The LSD applied for relocation assistance in April 2013, after the increased financial assistance was announced in Budget 2013. Since that time, the Department of Municipal and Intergovernmental Affairs (the Department) has reviewed their request as per the steps in the Community Relocation Policy (the Policy) attached as Annex B.
- In August 2013, the Department received affidavits and supplementary information from residents and property owners in order to determine their residency/commercial property status. Permanent residents and permanent residential property owners have a right to vote on the question of relocation.
- Section 2(c) of the Policy states “Based on the determination of residency status, the Department will complete an analysis of the total cost of relocation assistance compared to the total savings over a twenty year period that would result from the withdrawal of Provincial Government services to the Community. If the estimated costs exceed the estimated savings, Government's consideration of relocation assistance will stop unless there are significant health or life-safety considerations involved in the relocation request.”
- The Department determined the residency status of individuals from the LSD and mailed-out determination letters to all relevant residents and/or property owners in June 2014.
- The Department received 12 appeal requests from individuals dissatisfied with their residency determination.
- In accordance with the Policy when appeals are filed, an independent reviewer must be appointed. In July 2014, Mr. John Roil was appointed as independent reviewer to consider the appeals and make recommendations to the Minister. On 29 September 2014, Mr. Roil submitted his recommendations:
  - Mr. Roil agreed with 7 residency determinations based on the fact that the Department interpreted the facts correctly; and
Mr. Roil disagreed with 5 residency determinations based on his assessment that the Department incorrectly interpreted the facts.

- The Minister accepted Mr. Roil’s recommendations and in February 2015, the Department verbally notified the appellants of the results of their appeals, with formal notification letters sent in March 2015.

**Analysis:**

**Cost Benefit Analysis**

- Based on the known current costs to government from the provision of financial assistance to permanent residents, the Department has undertaken a Cost Benefit Analysis (CBA). The CBA was completed using the approved methodology steps attached as Annex C.

- Elements of step #6 of the methodology are not yet factored in to the CBA such as providing residual essential services to those who may choose to remain in the community following relocation. We are unable to determine these costs at this time as the provision of an essential service could only be determined once the number of people choosing to remain in William’s Harbour is identified through the community vote for voting-aged permanent residents. Following this vote, the Department may need to update the CBA to capture potential reductions in department’s initial cost savings as a result of providing residual essential services and modifications to previously provided decommissioning costs.

- To undertake the CBA for the LSD, the Department consulted with the following stakeholders:
  - The Department of Transportation and Works;
  - The Department of Health and Community Services;
  - The Department of Justice and Public Safety;
  - The Department of Education and Early Childhood Development;
  - The Department of Advanced Education and Skills;
  - The Department of Business, Tourism, Culture and Rural Development;
  - Fire and Emergency Services;
  - Newfoundland and Labrador Hydro;
  - Newfoundland and Labrador English School District;
  - Municipal and Intergovernmental Affairs:
    - Labrador Regional Office;
    - Municipal Engineering;
    - Municipal Support;
    - Policy and Corporate Services; and
  - The Department of Finance.

- The following bullets provide a summary of the CBA performed (see Annex D):

**Savings**

- The Department of Transportation and Works estimates $6,497,000 in savings from the withdrawal of the Marine Eagle ferry and the airstrip services.
- The Department of Education and Early Childhood Development have advised that the School in William’s Harbour is closed. However, there would be $75,000 in bursary savings. The bursaries provide financial support to the William’s Harbour
family whose children attend school in Port Hope Simpson. The bursaries cover living expenses associated with attending school away from home.

- Application-based funding programs such as Municipal Capital Works, Community Enhancement Employment Program, Special Assistance, or Fire and Emergency Services programs have been allocated an amount based on average funding provided over the last 10 years. The total average annual amount is $94,560.

- The Department of Advanced Education and Skills has advised there are no anticipated savings.

- NL Hydro has advised approximately $9,977,460 in 20 year savings would accrue from diesel fuel savings and not operating and maintaining 3kms of circuit length. A demolition cost of $600,000 has also been considered.

- The Department of Health and Community Services has advised there are no health services in the Town resulting in no savings to government.

- The Department of Justice and Public Safety has advised there would be no anticipated savings.

- Business, Tourism, Culture, and Rural Development has advised there would be savings of $10,000 resulting from not proceeding with broadband internet investments.

- Based on the fact that government normally experiences growth in program expenditures every year, a 2 per cent annual increase has been factored-in to provide a reasonable projection of future costs over a twenty year period. This equates to an additional cost of $3,578,424 for the 20 year period.

- A discount rate of 3.2 per cent (as provided by the Department of Finance) has also been applied as this is Government's current 20 year borrowing rate.

- The total savings from the withdrawal of services, NPV adjusted is $14,473,500.

**Costs**

- The known current relocation costs associated with the provision of financial assistance to the 14 property owners and 2 non-property owners as well as the legal conveyance costs associated with the 14 properties and water/sewer decommissioning costs, result in a total cost of $3,677,500.

- Potential future costs include the addition of the two families potentially seeking a judicial review, commercial property payouts, refining decommissioning costs and providing potential residual essential services to anyone choosing to remain in the community. Commercial property costs are not yet factored into the CBA. The associated property assessments have yet to be undertaken by the Municipal Assessment Agency. The only potential future cost that could negatively impact the CBA would be the costs associated with providing residual essential services. In previous relocations no one has chosen to remain in the community following relocation so the cost of providing residual essential services is unknown.

**Analysis**

- **Judicial Review Risk**

  s. 29(1)(a)
• Two families that were initially determined by the Department, and subsequently confirmed by the independent reviewer, to be non-resident property owners have engaged a lawyer and are considering filing a judicial review, as they remain dissatisfied with the outcome. In addition to impacting their eligibility for relocation financial assistance, a successful judicial review application by these individuals would give them voting rights, which could impact the community achieving the required 90 per cent level of support.

• There are currently 26 eligible voters who are 18 years of age or older. There are potentially as many as 7 additional voters if judicial review applications are filed by the two families.

• Given the large numbers of additional voters involved in the judicial review, the Department is unable to build in a suitable buffer to accommodate additional voters if they are eventually found to be eligible to vote. Seven additional voters could potentially impact the voting outcome (e.g., 26/33 = 79 per cent).

• There is no limitation period for filing a judicial review application; however, an application should be made within a reasonable time after being informed of the decision which is to be challenged. Reasonableness depends on the facts of a situation.

• The Department has communicated with the two families’ lawyer (John Hogan) on a number of occasions to request updates on whether the families are planning to file. No indication either way has been provided.

Alternatives: s30(1)(a), s30(1)(b)  s. 29(1)(a)
Prepared / Compiled / Approved by:  A. Wright / K. Curtis / A. Morgans
Approved by:

Annex A – Map of William’s Harbour
Annex B – Community Relocation Policy
Annex C – Relocation Cost-Benefit Analysis Methodology
Annex D – Estimated Savings, Costs and CBA Evaluation
ANNEX A

Map of William’s Harbour
ANNEX B

Community Relocation Policy
ANNEX C

Relocation Cost Benefit Analysis Methodology

1. MIGA will contact government departments and request information regarding current and historic costs incurred by them and their entities (e.g. Regional Health Authority, School Boards, RNC, etc.) in the community proposing to relocate. This will include ongoing expenditures related to ferry services, roads, schools, health services, municipal operating grants, etc.

2. MIGA will request that departments provide cost estimates for them and their entities regarding known and/or quantifiable future expenditure increases related to infrastructure upgrades, maintenance and services provided. Unless specific cost increases are known, future cost increases will not be included in the analysis other than as noted in bullet 3 below.

3. Depending on the circumstances, MIGA will use current and/or historic costs to develop a projection of future costs for the next 20 years in the community.

4. Based on the assumption that Government normally experiences inflationary growth in its program expenditures every year, MIGA will add a percentage annual increase to the costs obtained in the bullets above in order to provide a reasonable projection of future costs over a twenty year period, accounting for inflation. In addition, the nominal discount rate used to complete a Net Present Value (NPV) calculation, will include an allowance for inflation and government’s real cost of borrowing. The inflation rate and NPV discount rate will be determined in consultation with the Project Analysis Division and Debt Management Division of the Department of Finance.

5. Using the cost information collected in bullets above, MIGA will project the savings to Government over a 20 year period.

6. MIGA will calculate the up-front and/or future costs to Government of relocating the community including assistance payable to property owners; the maintenance of essential services to residents who choose to remain in the community; decommissioning costs for Government services in the community; and an estimate (if available) of future liabilities the Province will assume when it acquires legal title to property in the community which may include removal/remediation costs of deteriorating structures, residential oil tanks, and/or closure/decommissioning of Government facilities.
7. The projected 20 year value of the benefit to Government will be completed on a Net Present Value (NPV) basis in order to ensure cost and benefit data are analyzed on a comparable basis. In cases where future costs are identified, these future costs will also be calculated on a NPV basis to ensure comparative data.

8. If the projected benefit over the 20 year period exceeds the projected cost calculated on a NPV basis the community will be eligible for relocation approval.
### ANNEX D

Estimated Savings, Costs and CBA Evaluation

#### Estimated Savings - Withdrawal of Provincial Services

<table>
<thead>
<tr>
<th>Department</th>
<th>Details</th>
<th>Operation and Maintenance Savings</th>
<th>Capital Investment/ Other Consideration</th>
<th>20 Year Total Departmental Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation and Works</td>
<td>Airstrip</td>
<td>$260,500 per year x 20 = $5,210,000</td>
<td></td>
<td>$6,497,000</td>
</tr>
<tr>
<td></td>
<td>Marine Eagle Ferry</td>
<td>$46,000 per year x 20 = $920,000</td>
<td>$367,000 over 20 years in wharf upgrades</td>
<td></td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>Williams Harbour</td>
<td>$0</td>
<td>$0</td>
<td>$75,000 (savings over 9 years when the last student is due to finish school)</td>
</tr>
<tr>
<td>English School District and</td>
<td>School is permanently closed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education and Early Childhood</td>
<td>However, bursary costs for</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>three students would be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>saved (from one family</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>receiving a monthly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>bursary of $500 per</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10
<table>
<thead>
<tr>
<th>Municipal and Intergovernmental Affairs</th>
<th>Municipal Operating Grant is not applicable to an LSD</th>
<th>$0</th>
<th>$0</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal and Intergovernmental Affairs and Fire and Emergency Services</td>
<td>Annual average of application-based programs for last 10 years.</td>
<td>$10 Year Average: MCW = $4,300/year SA = $428/year CEEP = $0/year FES = $0/year Total = $4,728/year \times 20 years = $94,560 total</td>
<td>$0</td>
<td>$94,560</td>
</tr>
<tr>
<td>Advanced Education and Skills</td>
<td>Income Support</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>NL Hydro</td>
<td>Diesel Serviced Community with 3 kms of Circuit Length</td>
<td>$528,873/year \times 20 years - $600,000 decommissioning cost = $9,977,460</td>
<td>$0</td>
<td>$9,977,460</td>
</tr>
<tr>
<td>Health and Community Services</td>
<td>No Health Services</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Justice and Public Safety</td>
<td>No anticipated savings</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Business, Tourism, Culture and Rural Development</td>
<td>Broadband Investment</td>
<td>$10,000</td>
<td>$0</td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>20 Year Savings</strong></td>
<td><strong>$16,654,020</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Inflation – 2 per cent</strong></td>
<td><strong>$3,578,424</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Estimated Total 20 Year Savings</strong></td>
<td><strong>$20,232,444</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Net Present Value Adjusted</strong></td>
<td><strong>$14,473,500</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Calculation of Relocation Financial Assistance Costs

<table>
<thead>
<tr>
<th>Currently Known Relocation Financial Assistance Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistance to Permanent Residents/Property Owners</td>
</tr>
<tr>
<td>Household Composition</td>
</tr>
<tr>
<td>Property Owner(s) + minor Dependents</td>
</tr>
<tr>
<td>1 Person</td>
</tr>
<tr>
<td>2 Persons</td>
</tr>
<tr>
<td>3 Persons</td>
</tr>
<tr>
<td>Adult non-property owner</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Process/Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Conveyance Costs</td>
</tr>
<tr>
<td>Water/Sewer Decommm. disconnect/home</td>
</tr>
</tbody>
</table>

### Currently Known Total Costs $3,677,500

*$30,000 relates to the cost of decommissioning water at source ($15,000 cost) and sewer at point of discharge ($15,000 cost)

NPV Dollars Cost Savings Calculation

<table>
<thead>
<tr>
<th>NPV Estimated Savings</th>
<th>Estimated Costs</th>
<th>=</th>
<th>Outcome</th>
<th>Pass/Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>$14,473,500</td>
<td>$3,677,500</td>
<td>=</td>
<td>$10,796,000</td>
<td>Pass</td>
</tr>
</tbody>
</table>
Part 27
Hi Mark,
There are no restrictions.

Thanks,
Heather

Hi Mark,
There are no restrictions as far as I know.

Andrew/Heather please confirm.

Thanks,
Ken

Sent from my BlackBerry 10 smartphone on the Bell network.

Ken, our folks are about to complete the Wms Hbr analysis, and a question has come up that has bearing on Hydro's analysis. Is there any stipulation existing regarding where residents should or should not relocate? (i.e. a community on isolated vs. interconnected system; in province or out of province). My expectation is the answer is no, but want to confirm.
Ken,

Do you think you can sit down with Robyn when she is back and walk her through the analysis/calculation on this? It would be very much appreciated.

Andy and Andrew, FYI.

Heather

Hi folks. Please see analysis attached.

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

Hi Mark,

Thank you for your help on this. Could you please give me an ETA on the William’s Harbour information? Wouldn’t the team already have the data based on the numbers originally given to us on this file?
Thank you,
Heather

Heather Tizzard
Assistant Deputy Minister
Municipal Support
Department of Municipal and Intergovernmental Affairs
709.729.6832

From: MarkKing@nalcorenergy.com [mailto:MarkKing@nalcorenergy.com]
Sent: Tuesday, September 29, 2015 4:31 PM
To: Curtis, Ken
Cc: Wright, Andrew; Tizzard, Heather; English, Tracy
Subject: Re: FW: Williams hbr

Thanks Ken. Heather, I’ve asked our folks to apply the same analysis here as in LBI. It's going to take them at least a few days to go out to the field, compile all the necessary data and carry out the analysis. The process is underway. The team is in the midst of GRA and other pieces of work as well, but are working through as quickly as they are able to gather the data.

Mark
Mark King
Shareholder & Government Relations
Corporate Communications & Shareholder Relations
Nalcor Energy
t. 709.733.5301 c. 709.725.6055
e. MarkKing@nalcorenergy.com
w. nalcorenergy.com

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

From: "Curtis, Ken" <KCurtis@gov.nl.ca>
To: "MarkKing@nalcorenergy.com" <MarkKing@nalcorenergy.com>
Cc: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>, "Wright, Andrew" <AndrewWright@gov.nl.ca>
Date: 09/29/2015 11:24 AM
Subject: FW: Williams hbr

Hi Mark,

Below is the information that was previously provided related to Williams Harbour.

Thanks,
Ken

Ken Curtis
-----Original Message-----
From: Wright, Andrew
Sent: Tuesday, September 29, 2015 11:15 AM
To: Tizzard, Heather; Curtis, Ken
Subject: RE: Williams hbr

Ken, see below taken from CBA

NL Hydro has advised approximately $9,977,460 in 20 year savings would accrue from diesel fuel savings and not operating and maintaining 3kms of circuit length. A demolition cost of $600,000 has also been considered.

$528,673/year x 20 years
- $600,000
decommissioning cost =
$9,977,460

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

-----Original Message-----
From: Tizzard, Heather
Sent: Tuesday, September 29, 2015 11:01 AM
To: Curtis, Ken
Cc: Wright, Andrew
Subject: Williams hbr

Ken,
Someone from Nalcor may be calling you today re williams hbr and firming up numbers. Can you please send Mark King at Nalcor the number they used for Willimas Hbr?

Thanks

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this
### Nalcor Energy

#### Williams Harbour Relocation Analysis

<table>
<thead>
<tr>
<th>Revenue Requirement</th>
<th>Nominal</th>
<th>NPV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning NBV</td>
<td>779,433</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>42,194</td>
<td></td>
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<tr>
<td>Ending NBV</td>
<td>791,239</td>
<td></td>
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<tr>
<td>Average NBV</td>
<td>368,620</td>
<td></td>
</tr>
<tr>
<td>Return on Rate Base</td>
<td>1,844,053</td>
<td></td>
</tr>
<tr>
<td>Government Impact</td>
<td>3.45%</td>
<td></td>
</tr>
<tr>
<td>O&amp;M</td>
<td>12,148,960</td>
<td></td>
</tr>
<tr>
<td>Total Revenue Requirement</td>
<td>15,683,133</td>
<td></td>
</tr>
<tr>
<td>Ratepayer Impact</td>
<td>3.45%</td>
<td></td>
</tr>
</tbody>
</table>

**Revenue Requirement**

<table>
<thead>
<tr>
<th>Year</th>
<th>Nominal</th>
<th>NPV</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>779,433</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>737,239</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>695,046</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>731,883</td>
<td></td>
</tr>
<tr>
<td>2020</td>
<td>679,618</td>
<td></td>
</tr>
<tr>
<td>2021</td>
<td>629,745</td>
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<tr>
<td>2022</td>
<td>582,115</td>
<td></td>
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<tr>
<td>2023</td>
<td>538,814</td>
<td></td>
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<tr>
<td>2024</td>
<td>498,852</td>
<td></td>
</tr>
<tr>
<td>2025</td>
<td>463,160</td>
<td></td>
</tr>
<tr>
<td>2026</td>
<td>430,792</td>
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<td>2027</td>
<td>399,881</td>
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<td>2029</td>
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<td>315,368</td>
<td></td>
</tr>
<tr>
<td>2031</td>
<td>290,017</td>
<td></td>
</tr>
<tr>
<td>2032</td>
<td>264,822</td>
<td></td>
</tr>
<tr>
<td>2033</td>
<td>240,378</td>
<td></td>
</tr>
<tr>
<td>2034</td>
<td>215,984</td>
<td></td>
</tr>
<tr>
<td>2035</td>
<td>192,385</td>
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</tr>
</tbody>
</table>

#### Assumptions:

1. Residents move to the Interconnected System and consume 870 MWh per year per Market Analysis
2. No additional capital costs are required to supply these customers on the Interconnected System or non-Rural Isolated System
3. Fuel costs and export value is based on the Marginal Cost; no value for capacity was assumed
4. Isolated system capital additions and operating costs per System Planning
5. Investor owned utility long term opportunity cost of equity
6. Rate Payor Impact NPV's at 7% Weight Average Cost of Capital, assume mid year cash flows and reflect mid year 2016
7. Government Impact NPV's at 3.45% avoided Government Borrowing Rate; assume mid year cash flows and reflect mid year 2016
8. Ratepayer Impact is not currently included in the Relocation Cost Benefit Analysis Methodology utilized by Government
9. Analysis is based on commercially sensitive data and is not for distribution

Source: Investment Evaluation
Date: October 9, 2015
Andrew,

Give me a call.

Bob

Bob Moulton, P. Eng.
Manager - Generation & Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474  c. 709 693-6596
e. bobmoulton@nlh.nl.ca  w. www.nlhydro.com

Hi Bob,

As per our conversation a few weeks ago, I am wondering if someone has touched base with you to review a paper related to William's Harbour?

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs
t:709 729 7143
andrewwright@gov.nl.ca
Bob

Bob Moulton, P. Eng.
Manager - Generation & Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474  c. 709 693-6596
e. bobmoulton@nlh.nl.ca  w. www.nlhydro.com

----- Forwarded by Bob Moulton/NLHydro on 01/30/2017 03:00 PM ----- 

From: Mark King/NLHydro
To: Bob Moulton/NLHydro@NLHydro
Date: 01/30/2017 11:04 AM
Subject:Fw: Williams hbr

----- Forwarded by Mark King/NLHydro on 01/30/2017 11:03 AM ----- 

From: Mark King/NLHydro
To: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>
Cc: "Curtis, Ken" <K.Curtis@gov.nl.ca>, "English, Tracy" <T.English@gov.nl.ca>
Date: 10/09/2015 02:21 PM
Subject: RE: FW: Williams hbr

Hi folks. Please see analysis attached.

(See attached file: Williams Hbr Impact on Dividends WH Final to
You owe it to yourself, and your family, to make it home safely every day.
What have you done today so that nobody gets hurt?

Hi Mark,
Thank you for your help on this. Could you please give me an ETA on the William’s Harbour information? Wouldn’t the team already have the data based on the numbers originally given to us on this file?

Thank you,
Heather

---------------------------------
Heather Tizzard
Assistant Deputy Minister
Municipal Support
Department of Municipal and Intergovernmental Affairs
709.729.6832

Thanks Ken. Heather, I’ve asked our folks to apply the same analysis here as in LBI. It’s going to take them at least a few days to go out to the field, compile all the necessary data and carry out the analysis. The process is underway.
is in the midst of GRA and other pieces of work as well, but are working through as quickly as they are able to gather the data.

Mark

(Embedded image moved to Mark King file: pic24834.jpg) Shareholder & Government Relations Corporate Communications & Shareholder Relations
Nalcor Energy
t. 709.733.5301 c. 709.725.6055
e. MarkKing@nalcorenergy.com
w. nalcorenergy.com

You owe it to yourself, and your family, to make it home safely every day.
What have you done today so that nobody gets hurt?

From: "Curtis, Ken" <KCurtis@gov.nl.ca>
To: "MarkKing@nalcorenergy.com" <MarkKing@nalcorenergy.com>
Cc: "Tizzard, Heather" <HeatherTizzard@gov.nl.ca>, "Wright, Andrew" <AndrewWright@gov.nl.ca>
Date: 09/29/2015 11:24 AM
Subject: FW: Williams hbr

Hi Mark,

Below is the information that was previously provided related to Williams Harbour.

Thanks,

Ken

Ken Curtis
Departmental Controller (A)
Strategic Financial Management Division
Department of Municipal and Intergovernmental Affairs Department of Environment and Conservation Department of Business, Tourism, Culture and Rural Development Service Newfoundland and Labrador Department of Seniors, Wellness and Social Development Labour Relations Agency Government Purchasing Agency
(p) 729-0851
(c) 725-6181

-----Original Message-----
Ken, see below taken from CBA

NL Hydro has advised approximately $9,977,460 in 20 year savings would accrue from diesel fuel savings and not operating and maintaining 3kms of circuit length. A demolition cost of $600,000 has also been considered.

$528,873/year x 20 years
-$600,000
decommissioning cost =
$9,977,460

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t: 709 729 7143
andrewwright@gov.nl.ca

-----Original Message-----
From: Tizzard, Heather
Sent: Tuesday, September 29, 2015 11:01 AM
To: Curtis, Ken
Cc: Wright, Andrew
Subject: Williams hbr

Ken,
Someone from Nalcor may be calling you today re williams hbr and firming up numbers. Can you please send Mark King at Nalcor the number they used for Williams Hbr?

Thanks

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
## Nalcor Energy
### Williams Harbour Relocation Analysis

#### Revenue Requirement:

<table>
<thead>
<tr>
<th>Year</th>
<th>Nominal</th>
<th>NPV</th>
</tr>
</thead>
<tbody>
<tr>
<td>2026</td>
<td>779,433</td>
<td>737,239</td>
</tr>
<tr>
<td>2027</td>
<td>695,046</td>
<td>652,852</td>
</tr>
<tr>
<td>2028</td>
<td>716,143</td>
<td>673,969</td>
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<tr>
<td>2029</td>
<td>737,239</td>
<td>700,000</td>
</tr>
<tr>
<td>2030</td>
<td>759,336</td>
<td>722,800</td>
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<tr>
<td>2031</td>
<td>781,433</td>
<td>745,600</td>
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<tr>
<td>2032</td>
<td>803,530</td>
<td>768,400</td>
</tr>
<tr>
<td>2033</td>
<td>825,627</td>
<td>791,200</td>
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<tr>
<td>2034</td>
<td>847,724</td>
<td>814,000</td>
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</tbody>
</table>

#### Discount Rates:

- **Nominal NPV**
- **Discount Rate**

### Ratepayer Impact:

<table>
<thead>
<tr>
<th>Year</th>
<th>Ratepayer Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2026</td>
<td>3.45%</td>
</tr>
<tr>
<td>2027</td>
<td>3.45%</td>
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<tr>
<td>2028</td>
<td>3.45%</td>
</tr>
<tr>
<td>2029</td>
<td>3.45%</td>
</tr>
<tr>
<td>2030</td>
<td>3.45%</td>
</tr>
<tr>
<td>2031</td>
<td>3.45%</td>
</tr>
<tr>
<td>2032</td>
<td>3.45%</td>
</tr>
<tr>
<td>2033</td>
<td>3.45%</td>
</tr>
</tbody>
</table>

### Assumptions:

1. Residents move to the Interconnected System and consume 870 MWh per year per Market Analysis
2. No additional capital costs are required to supply these customers on the Interconnected System nor other Rural Isolated System
3. Fuel costs and export value is based on the Marginal Cost; no value for capacity was assumed
4. Isolated System capital additions and operating costs per System Planning
5. Investor owned utility long term opportunity cost of equity
6. Rate Pay Impacts of 3% Weight Average Cost of Capital, assume mid year cash flows and reflect mid year 2016
7. Government Impact NPV's at 3.45% avoided Government Borrowing Rate; assume mid year cash flows and reflect mid year 2016
8. Ratepay Impact is not currently included in the Relocation Cost Benefit Analysis Methodology utilized by Government
9. Analysis is based on commercially sensitive data and is not for distribution

Source: Investment Evaluation
Date: October 9, 2015

### Table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Return on Rate Base</th>
<th>Decommissioning Cost</th>
<th>Depreciation</th>
<th>O&amp;M</th>
<th>Total Revenue Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2026</td>
<td>1,844,053</td>
<td>1,844,053</td>
<td>42,194</td>
<td>42,194</td>
<td>1,886,247</td>
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<td>2027</td>
<td>1,971,697</td>
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<td>42,194</td>
<td>42,194</td>
<td>1,913,889</td>
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<td>2028</td>
<td>2,099,389</td>
<td>2,099,389</td>
<td>42,194</td>
<td>42,194</td>
<td>2,136,583</td>
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<td>2029</td>
<td>2,227,082</td>
<td>2,227,082</td>
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<td>42,194</td>
<td>42,194</td>
<td>3,017,355</td>
</tr>
</tbody>
</table>

### Notes:

- **Return on Rate Base**
- **Decommissioning Cost**
- **Depreciation**
- **O&M**
- **Total Revenue Requirement**

---

### Source:

Investment Evaluation
Date: October 9, 2015

---

### Government Impact @ 3.45%:

<table>
<thead>
<tr>
<th>Year</th>
<th>Government Impact</th>
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<tbody>
<tr>
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<td>1,908,254</td>
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<tr>
<td>2027</td>
<td>1,945,394</td>
</tr>
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<td>2028</td>
<td>1,982,534</td>
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<td>2029</td>
<td>2,019,674</td>
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<td>2030</td>
<td>2,056,814</td>
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<td>2031</td>
<td>2,093,954</td>
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<tr>
<td>2032</td>
<td>2,131,194</td>
</tr>
<tr>
<td>2033</td>
<td>2,168,434</td>
</tr>
<tr>
<td>2034</td>
<td>2,205,674</td>
</tr>
</tbody>
</table>

### Government Discount Rate:

3.45%
Andrew,

I called and left a message.

Bob

Bob Moulton, P. Eng.
Manager - Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474  c. 709 693-6596
e. bobmoulton@nlh.nl.ca  w. www.nlhydro.com

--- Original Message ---

From: BMoulton@nlh.nl.ca [mailto:BMoulton@nlh.nl.ca]
To: Wright, Andrew
Cc: DMoore@nlh.nl.ca
Subject: RE: Williams Harbour - Relocation

Hi Bob,

Can we chat about this?

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
Andrew,

Just checking to see if there are any updates on this process.

We are beginning to plan our pull out process, so the sooner we get a definite date, the better.

Bob

Bob Moulton, P. Eng.
Manager - Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474 c. 709 693-6596
e. bobmoulton@nlh.nl.ca w. www.nlhydro.com

Hi Bob, I left you a message. Government has approved the relocation of William's Harbour but we are not in a position to withdraw services yet.
The policy dictates that we need 90 per cent or more of the permanent resident property owners accepting offers of assistance. If that threshold is met, our Minister will approve the relocation and we can begin to discuss timelines of service withdrawal etc. We are preparing documents for residents consideration over the coming weeks.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal and Intergovernmental Affairs
t:709 729 7143
andrewwright@gov.nl.ca
Hydro would like to start planning our pullout, as soon as we can.

Bob

Bob Moulton, P. Eng.
Manager - Generation & Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474 c. 709 693-6596
e. bobmoulton@nlh.nl.ca w. www.nlhydro.com

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Askary, Ali

From: DMoore@nlh.nl.ca
Sent: Thursday, August 10, 2017 8:04 AM
To: Wright, Andrew
Cc: BMoulton@nlh.nl.ca; Martin, Kellee
Subject: RE: Asset removal in TW

Good morning Andrew. Just touching base to see if we have any further updates on the timing of the relocation.

Thanks

Darren Moore, P. Eng.
General Manager
Transmission and Rural Operations, Northern and Labrador
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 258-2359  c. 709 486-0676  f. 709 258 2346
e. DMoore@nlh.nl.ca
w. www.nlh.nl.ca

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

Ok thanks.

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs and Environment
t.709 729 7143
andrewwright@gov.nl.ca

Hi Andrew. We won't shut down until we know the firm date when residents are leaving. However, we are
doing pre-planning so that we will be ready to execute. I expect we will do what remediation and removal that we can this fall to secure the site for winter and then finish up in 2018.

Thanks

Darren

---

---

Hi Darren,

Minister has now signed all the Option Agreements so William’s Harbour will be relocated for sure. I am chatting with Nancy Paul our solicitor today about a possible timeline for the closing of properties to be conveyed to the crown – this will need to happen before all services are ceased. I will advise you once I chat with Nancy, but it is a priority to get the residents out by this fall – thanks. At what point could you shut down?

Andrew

Andrew Wright
Manager, Community Liaison
Local Governance Division
Department of Municipal Affairs and Environment
t:709 729 7143
andrewwright@gov.nl.ca
Good morning folks. Touching base to see if there are any updates.

Thanks

Darren

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

---

From: Bob Moulton/NLHydro
To: "Wright, Andrew" <AndrewWright@gov.nl.ca>
Cc: "Martin, Kellee" <KelleeMartin@gov.nl.ca>, Darren Moore/NLHydro@NLHydro
Date: 07/05/2017 03:27 PM
Subject: RE: Asset removal in TW

And,rew,

Any update?

Bob

Bob Moulton, P. Eng.
Manager - Rural Planning
Newfoundland and Labrador Hydro - a Nalcor Energy company
t. 709 737-1474 c. 709 693-6596
e. BobMoulton@nlh.nl.ca w. www.nlhydro.com
Further to previous email – we expect to know by very early July if we have the 90 per cent signed agreements. Certainly at that point, we need to consider timelines and logistics of service cessation and asset removal.

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal Affairs and Environment  
t:709 729 7143  
andrewwright@gov.nl.ca

From: Wright, Andrew  
Sent: Wednesday, June 21, 2017 9:45 AM  
To: BMoulton@nlh.nl.ca  
Cc: Martin, Kellee  
Subject: Asset removal in TW

Bob,

If we receive 90 per cent or more of the Signed Option Agreements William’s Harbour will be relocated. Do you now know the Hydro assets that need to be removed? What assistance do you think you will need from TW (ferry).
I am copying my contact with TW Kellee Martin.

Andrew

Andrew Wright  
Manager, Community Liaison  
Local Governance Division  
Department of Municipal Affairs and Environment  
t:709 729 7143  
andrewwright@gov.nl.ca

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Part 28
Minister of Municipal Affairs

Gov't NL
Municipal Affairs
St. John's NL

Mr. Andrew Wright,

The Residents of Williams Harbour are requesting relocation.

Enclosed are the following letters from the permanent residences that are residing in Williams Harbour full time, we also have residences that are living in Port Hope Simpson during the school months.

Any additional information that you need you can contact me at the following:

George O Russell (Sr)
P.O. Box 1
Williams Harbour
NL A0K 5V0

Thank you.
TO: Community Relocation Office
FAX: 709 729 4475
FROM: George Russell
DATE: May 17 2013
RE: Potential Community Relocation

The following are the list of permanent Residents (addresses and Phone numbers) living in William's Harbour to date:

s. 29(1)(a)
The following are the list of Business/work properties in our Community:

Freeman Russell & Sons LTD, owned and operated by

Work Service and Transportation / Airstrip 709 924 0282

Bell Aliant Telephone Building 709 924 0299

Hydro Diesel Plant Owned and operated by NL Hydro 709 454 3030

Hydro Trailer owned by NL Hydro 709 454 3030

Western School Board school building (closed)

Apartment Building (1 bedroom) owned by

Docking Facility for Ferry Services

Community Hall Building owned by the town of William's Harbour

Community Pump House owned by town of William's Harbour

Anglican Church building owned by the Anglican Church parish of Battle Harbour
The following are the permanent residents that travel to the nearest community of Port Hope Simpson, during the school months with their children. William’s Harbour remain their home and they travel back whenever possible, they maintain their homes wishing to return when their children finish high school.

There are also some summer homes/ Cabins, this information will be issued upon request.
The following are the list of working residents of William's Harbour:

For more information contact me @ Ph # 709
Or Fax all info to: 709

s. 40(1)  s. 40(1)  s. 40(1)  s. 40(1)
Provincial Government Announces Changes to Community Relocation Policy

The Department of Municipal Affairs has concluded its review of the Community Relocation Policy following feedback received relating to the most recent relocation processes. The policy exists so that the Provincial Government can offer financial assistance to a community in which 90 per cent or more of its residents express a desire to relocate to another community.

“Our government recognizes that a mix of factors such as geographic isolation, an aging and declining population, and challenges accessing services may cause residents to request government assistance to relocate, and we want to be responsive to their needs. We firmly believe that there has to be a strong consensus from communities before proceeding with the process. That is why the vote threshold will remain at 90 per cent to get a true picture of where permanent residents stand on the issue.”
- The Honourable Eddie Joyce, Minister of Municipal Affairs

The following key changes will be made as a result of the review:

- The definition of permanent resident will change to year-round residency with appropriate exemptions;
- The timeframe for calculating the cost-benefit analysis will now be over a 10, 15 or 20-year timeframe, depending on demographics;
- Residual services will not be provided to residents who choose to remain in a relocated community; and
- The Provincial Government will continue to provide financial assistance for relocation but will no longer be taking title to the properties.

To implement the decision to no longer acquire title under the new Community Relocation Policy, a legislative amendment to the Evacuated Communities Act received second reading in the House of Assembly yesterday. Since government will no longer be taking title to properties in relocating communities, this amendment removes the requirement to obtain a permit to access properties in future relocated communities. In past practice, as the Provincial Government became title holder to residences in vacated communities, having individuals access these properties created a liability issue for the province. With this amendment, permits will only be issued for properties in relocated communities that were previously acquired by the Provincial Government.

The definition of permanent resident has been changed for individuals to require year-round residency with some exemptions. With this change, only permanent residents will be eligible to vote or receive any relocation financial assistance. Amending the definition of a permanent resident, will allow a definitive picture from year-round residents on how they feel about the possibility of relocation.

For more information on changes to the Community Relocation Policy, please visit:

QUICK FACTS

- The Department of Municipal Affairs has concluded its review of the Community Relocation Policy.
- A legislative amendment to the Evacuated Communities Act to eliminate references to the Provincial Government acquiring title to properties received second reading in the House of Assembly today.
- The amount of financial assistance, up to $270,000 for property owners who relocate, will remain the same.
- For more information on the Community Relocation Policy, please visit:
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.