October 3, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FA/45/2017

On September 5, 2017, The Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“There is a application for land use by [Redacted] of Chapel Arm on Stowes Pond, which is on the Long Harbour Access Road (route 202). The Application is for a large partial of crown land. Currently the land around Stowes Pond is frozen and restricted to development. I would like to get a copy of his application for review.”

I am pleased to inform you that a decision has been made by the Deputy Minister of FLR to provide partial access to the requested information. In particular, access to specific information contained within the records, has been refused according to Section 40 (1) Disclosure harmful to 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. The appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner 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 Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

Holly Philpott
ATIPP Coordinator

Enclosures;

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to
(a) a request that is disregarded under section 21;
(b) a decision respecting an extension of time under section 23;
(c) a variation of a procedure under section 24; or
(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;
(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the *Financial Administration Act*;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party’s personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;
(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

2015 cA-1.2 s40
Dear Sir:

This is with reference to your recent application for Crown land situated at Long Harbour.

A review indicates your application is incomplete and cannot be processed further until the following information is received by this office:

The area you have applied for is presently occupied with trailers and a cabin can you please provide us with a more detailed history of the land. As you indicated on Page 2 of your application we require more information as it is not unencumbered Crown Land.

Under the “Proposed Tenure and Use” section of your application it is indicated that the land is to be used for commercial purposes. When applying for commercial use you must provide a site plan. The plan must be detailed showing the location of access/exit routes (their widths); proposed building(s) (their dimensions); parking, etc. This Department requires that you show what you are proposing in as much detail as possible.

Please find enclosed your original application and a self-addressed envelope to send back when you have completed the necessary information we require to process your application further.

It is Lands Branch policy to accept only completed applications for Crown land on a first come, first serve basis. Please be advised that this Branch will accept completed applications from other individuals for this site until such time as your application and the requested information is received.

If you have any further questions please contact this office at the address listed below.

Yours truly,

[Signature]

LANDS OFFICER

Attachments

Howley Building, Higgins Line, Box 8700, St. John’s, NL, A1B 4J6, Phone (709) 729-2654, Facsimile (709) 729-0726
**APPLICATION FOR CROWN LANDS**

**FOR DEPARTMENT USE ONLY**

<table>
<thead>
<tr>
<th>APPLICATION NO.</th>
<th>RECEIPT NO.</th>
<th>AMOUNT</th>
<th>DATE REGISTERED</th>
<th>INDICATED ON PLAN NO.</th>
<th>INITIAL</th>
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<td>Aug 22, 2016</td>
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**APPLICANT INFORMATION**

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<tr>
<th>Surname</th>
<th>Given Name</th>
<th>Middle Name</th>
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**PROPOSED TENURE AND USE**

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<th>TYPE OF APPLICATION</th>
<th>LAND USE</th>
<th>PROPOSED WATER AND SEWAGE FACILITIES</th>
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<tr>
<td>LEASE</td>
<td>RESIDENCE</td>
<td>WELL</td>
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<tr>
<td>GRANT</td>
<td>COTTAGE</td>
<td>SEPTIC</td>
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<td>LICENCE TO OCCUPY</td>
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<td>MUNICIPAL WATER</td>
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<td>OTHER</td>
<td>MUNICIPAL SEWER</td>
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**DESCRIPTION OF BUILDINGS**

- **Trailer**: 100
  - Etc. (provide details below)

**DIMENSIONS**

- LENGTH: 100
- WIDTH: 50

**PROPOSED WATER AND SEWAGE FACILITIES**

- WELL
- SEPTIC
- MUNICIPAL WATER
- MUNICIPAL SEWER
- OTHER (provide details below)
LAND DESCRIPTION

1. The land is situated at Long Hr Road.

2. Is the land applied for located within municipal boundaries? ☐ Yes ☐ No
   If Yes, you must enclose a municipal recommendation form.
   If Yes, you must enclose a municipal recommendation form.
   Note: This form is available from the municipal council, regional lands office, & government service centres.

3. Approximate dimensions of the land:
   Frontage 490 metres
   Depth 300 metres

4. Distance to closest waterbody:
   Name of waterbody (if applicable) Star Pore.

5. Is the site accessible by road? ☐ Yes ☐ No
   If No, will the site require new road construction for access? ☐ Yes ☐ No
   If Yes, what will be the approximate length of the road? 140 metres
   For sites without road access, please indicate method of transportation:
   ☐ Walking ☐ A.T.V. ☐ Boat ☐ Snowmobile ☐ Aircraft
   For sites without road access, location of access route must be indicated on the map attached to the application and access by A.T.V. must be in accordance with A.T.V. regulations.

6. Is the site presently occupied: fences, buildings, signs, clearing, local understanding? ☐ Yes ☐ No
   If Yes, state year occupation commenced, area occupied and name of person who developed or occupied the land.

7. Are you aware of any evidence of previous land use, such as fences, buildings, signs, clearing, local understanding, etc.? ☐ Yes ☐ No
   If Yes, state year occupation commenced, area occupied and name of person who developed or occupied the land.

DESCRIPTION OF LAND

Please note: When your application is accepted by this Department you are required to identify the site in the field by clearly marking your corner posts. If there is a discrepancy between the area marked in the field and the area indicated on the map, the latter shall prevail.

Sketch the land applied for showing distance to prominent nearby features such as buildings, fences, road intersections. Map must also be attached.

Bound on North by

Bound on South by

Bound on East by

Bound on West by

Please note: It is the policy of the Crown Lands Division to accept applications on a first come - first served basis. Applications must be fully completed, with a map showing the exact locations of the land applied for together with the application fee, the approved municipal recommendation form from council, if applicable, must also be attached. Only then will the application be accepted and deemed registerable by this department.
AFFIDAVIT OF APPLICANT (to be read carefully)

I, [redacted], do hereby make oath and declare as follows:

(a) The information contained in this application is true and correct to the best of my knowledge and belief.
(b) I have inspected the land applied for and have found no evidence of occupation (with the exception of No. 6 and/or No. 7 on page 2, where applicable).
(c) I am not aware of any adverse claim to the land applied for by any person(s).
(d) I recognize and accept that I am solely responsible for correctly identifying the parcel of land that is the subject of this application.
(e) I fully understand that acceptance of this application by the Department does not give me any rights or privileges in relation to the land under application.
(f) I FULLY UNDERSTAND THAT THE LAND IS NOT TO BE OCCUPIED UNTIL 1 RECEIVE A FULLY EXECUTED TITLE DOCUMENT.
(g) I FULLY UNDERSTAND THAT UNDER SECTION 14 OF THE LANDS ACT, THE MINISTER OF MUNICIPAL AFFAIRS OR THE LIEUTENANT-GOVERNOR IN COUNCIL MAY CANCEL, AMEND OR OTHERWISE DEAL WITH THE LEASE, LICENCE OR EASEMENT AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me St. John's
At [redacted]
this 22 day of August 2016

[Signature]

Official Administering Oath

NOTE: A non-refundable processing fee of ONE HUNDRED AND FIFTY DOLLARS ($150.00 plus H.S.T.) must accompany this application.
Cheques or money orders are to be made payable to the NEWFOUNDLAND EXCHEQUER ACCOUNT.
### SUMMARY OF AGENCY REFERRALS

<table>
<thead>
<tr>
<th>Agency</th>
<th>Approved</th>
<th>Refused</th>
<th>Comments Attached</th>
<th>Date Sent</th>
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**Officers Comments:**

________________________________________________________________________

Date: ____________________________

Lands Management/Lands Officer

**Recommendation of Regional Office:**

☐ Approved (Complete section below)  ☐ Refused (Give reason)

________________________________________________________________________

Date: ____________________________

Regional Lands Manager

**This section to be completed by Regional Office when approval is recommended.**

- Area approved: 
- Frontage: 
- Consideration/Rental: 
- Back/Rental: 

☐ Lease  ☐ Grant  ☐ Licence  ☐ Other  ☐ Type: 

Cabinet approval required:  Yes  ☐ No

**Special instructions to surveyor (if any):**

________________________________________________________________________

**Departmental decision:**

☐ Approved  ☐ Refused  ☐ Deferred  ☐ To Cabinet

**Special Instructions:**

________________________________________________________________________

Date: ____________________________

Authorized Signing Official
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NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Titles Mapping Section, Howley Building, Hoppes Line, St. John's, Newfoundland.

Users finding error or omissions can contact the Crown Titles Mapping Section by telephone at 729-0601. Some titles may not be plotted due to Crown Lands volumes relating from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any missing or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For inquiries please contact a Regional Lands Office.

Corner Brook - 637-2390
Gander - 256-1400
Clarenville - 456-4074
St. John's - 729-2654
Goose Bay - 896-2488