December 18, 2018

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*, our file # TCII/48/2018

On November 20, 2018 the Department of Tourism, Culture, Industry and Innovation received your request for access to the following records:

“Any and all records, including but not limited to, emails, calendar requests, hand written notes, deleted emails, BBM, text messages, transitory records, etc that relate to any amendments/alterations/changes made to the original Canopy Growth agreement that was signed on December 7, 2017.”

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation 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):

s. 30.(1)(a)

**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

s. 40(1)

**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.
Please be advised that pages 5 and 7 were withheld in their entirety under section 30(1)(a) of ATIPPA.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

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 questions, please feel free to contact me phone at (709) 729-3353 or by e-mail at heatherbrown@gov.nl.ca

Sincerely,

Heather Brown
ATIPP Coordinator
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).
Jeff,

Will call you tomorrow to chat timelines,

Thanks

--
Canopy Growth Corporation

Jeff Ryan
Vice President, Government and Stakeholder Relations

www.canopygrowth.com

[Logo images: Canopy Growth, Tweed, Spectrum Cannabis]
Brown, Heather

From: Jeff Ryan  
Sent: Thursday, May 31, 2018 6:37 PM  
To: Mercer, Jeff V.  
Subject: Hello

Jeff,

I am writing to request an extension to our timelines for our Newfoundland production site.

Over the last several months we have made considerable progress and look forward to completing the site. To date, we have secured the site for development, registered the site for an environmental assessment with the province, engaged a firm to design the building and hired a general contractor.

As you are aware, our original timelines were set prior to identifying the site. During the recent planning and design phase, we have identified additional work that we did not anticipate, including significant site-specific remedial work. This includes the need to excavate a large amount of granite.

We are committed to buying our building materials from local suppliers whenever possible and hiring Newfoundland labour. However, we also anticipate possible delays in sourcing large quantities of pre-fabricated steel from the mainland. It is our hope to secure it from Ontario but may have to go as far afield as the United States.

Given the challenges outlined above, we are now forced to request an extension to the timelines. Hoping we can discuss this by phone at your earliest convenience.

Thanks

Jeff

--

Canopy Growth Corporation

Jeff Ryan  
Vice President, Government and Stakeholder Relations  
www.canopygrowth.com
Here are the new dates for the agreement extension. Thanks Jeff.

Dana

1. Completion of design of production Facility. – August 31 2018
2. Commencement of construction including full mobilization of the site. – July 15 2018
3. 50% completion based on progress with construction – March 1 2019
4. Substantial completion – August 1 2019
5. Final completion and commissioning of the production facility. – September 1 2019
6. Health Canada Inspection – October 2 2019
Hi Peter,

I drafted the attached letter. Please advise.

Thanks,
Taylor

Taylor Parsons | Economic Development Officer
Major Investment Projects Unit, Business Analysis Division
Department of Tourism, Culture, Industry and Innovation
☎: 709-729-2685
✉: tparsons@gov.nl.ca

Newfoundland Labrador
From: Fitzgerald, Peter
Sent: Friday, November 09, 2018 4:31 PM
To: Parsons, Taylor; Mercer, Jeff V.
Subject: Letter_Approved Amendments for CGC
Attachments: Letter_Approved Amendments for CGC.doc

Peter G. Fitzgerald
Director
Civil Division

T. 709.729.2004
F. 709.729.2129

Newfoundland Labrador
Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador
4th Floor East Block, Confederation Building
P.O. Box 8700
St. John’s, NL
A1B 4J6

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Brown, Heather

From: Parsons, Taylor
Sent: Friday, November 09, 2018 4:34 PM
To: Fitzgerald, Peter; Mercer, Jeff V.
Subject: RE: Letter_Approved Amendments for CGC

Thanks so much!

Have a nice long weekend.
Taylor

From: Fitzgerald, Peter
Sent: Friday, November 09, 2018 4:31 PM
To: Parsons, Taylor; Mercer, Jeff V.
Subject: Letter_Approved Amendments for CGC

S.30 (1)(a)

Peter G. Fitzgerald
Director
Civil Division

T. 709.729.2004
F. 709.729.2129

Newfoundland Labrador

Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador
4th Floor East Block, Confederation Building
P.O. Box 8700
St. John's, NL
A1B 4J6

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Brown, Heather

From: Parsons, Taylor
Sent: Friday, November 09, 2018 4:53 PM
To: Lomond, Ted
Cc: Joy, Carla; Mercer, Jeff V.
Subject: HPE Records Manager EXECUTIVE CORRESPONDENCE : COR/02834/2018 : Letter to CGC - November 2018
Attachments: Letter_Approved Amendments for CGC_November 2018.doc; Letter_Approved Amendments for CGC_November 2018.tr5

Good Afternoon Ted,

For your review and signature, a letter to CGC approving imeline changes to the December 7, 2017 Agreement.

If you wish to discuss please let me know.

Regards,
Taylor

------< HPE Records Manager record Information >------

Record Number: COR/02834/2018
Title : Letter_Approved Amendments for CGC_November 2018
November 9, 2018

Dear Mr. Linton,

I wish to inform you that your May 31, 2018 request to amend the timelines to the December 17, 2017 Definitive Agreement ("Agreement") have been considered. Based upon a review of Canopy’s progress to date, and an understanding that there was significant site-specific remedial work, including the need to excavate a significant amount of granite that was unplanned, your request has been approved. The amended timelines are as follows:

- Completion of design of production Facility – August 31, 2018
- Commencement of construction including full mobilization of the site – July 15, 2018
- 50% completion based on progress with construction – March 1, 2019
- Substantial completion – August 1, 2019
- Final completion and commissioning of the production facility – September 1, 2019
- Health Canada Inspection – October 2, 2019

Please note that the changes reflects only timelines outlined in Schedule A – Milestones and Deadlines and their respective sections in the Agreement and should not be interpreted as permission to alter any other aspect of the contract. To the extent that this alteration in timelines shall constitute a waiver, it shall be interpreted to apply as such only in relation to the periods noted and shall not constitute a waiver of any other aspect of the agreement or future matters.

Sincerely,

TED LOMOND
Deputy Minister

CC: Phil Shaer, Director, 80694 Newfoundland and Labrador Inc.
Sharon Sparkes, President and CEO, Newfoundland and Labrador Liquor Corporation
Good Afternoon Dana:

As per Canopy’s request, here is the letter approving the revised timelines. Could you kindly forward to Mr. Linton and Mr. Shaer for their records, as they are signatories to the agreement. As well, I understand from Jeff the email request was received from Mr. Ryan, so you may wish to notify him as well.

If you have any questions please let me know.

Regards,
Taylor

Taylor Parsons | Economic Development Officer
Major Investment Projects Unit, Business Analysis Division
Department of Tourism, Culture, Industry and Innovation
☎: 709-729-2685
✉: tparsons@gov.nl.ca
Mr. Bruce Linton  
Chief Executive Officer  
Canopy Growth Corporation  
1 Hersey Drive  
Smiths Falls, ON K7A 0A8  

November 15, 2018  

Dear Mr. Linton,  

I wish to inform you that your May 31, 2018 request to amend the timelines to the December 17, 2017 Definitive Agreement ("Agreement") has been considered. Based upon a review of Canopy's progress to date, and an understanding that there was significant site-specific remedial work, including the need to excavate a significant amount of granite that was unplanned, your request has been approved. The amended timelines are as follows:  

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- Substantial completion – August 1, 2019  
- Final completion and commissioning of the production facility – September 1, 2019  
- Health Canada Inspection – October 2, 2019  

Please note that the changes reflect only timelines outlined in Schedule A – Milestones and Deadlines and their respective sections in the Agreement and should not be interpreted as permission to alter any other aspect of the contract. To the extent that this alteration in timelines shall constitute a waiver, it shall be interpreted to apply as such only in relation to the periods noted and shall not constitute a waiver of any other aspect of the agreement or future matters.  

Sincerely,  

TED LOMOND  
Deputy Minister  

c: Phil Shaer, Director, 80694 Newfoundland and Labrador Inc.  
Sharon Sparkes, President and CEO, Newfoundland and Labrador Liquor Corporation
Thank you Taylor I’ll make sure they get it right away
Dana

Sent from my iPhone

On Nov 15, 2018, at 15:35, Parsons, Taylor <tparsons@gov.nl.ca> wrote:

Good Afternoon Dana:

As per Canopy’s request, here is the letter approving the revised timelines. Could you kindly forward to Mr. Linton and Mr. Shaer for their records, as they are signatories to the agreement. As well, I understand from Jeff the email request was received from Mr. Ryan, so you may wish to notify him as well.

If you have any questions please let me know.

Regards,
Taylor

Taylor Parsons | Economic Development Officer
Major Investment Projects Unit, Business Analysis Division
Department of Tourism, Culture, Industry and Innovation
☎: 709-729-2685
✉: tparsons@gov.nl.ca

<image001.jpg>
Hi Andrew,

I have sent the following letter to Canopy today regarding their requested amendments to timelines in the December 7, 2017 Definitive Agreement. Ms. Sharon Sparkes is copied on the letter, however I do not have her email address. Could you kindly provide me her email, or forward my email to her so she receives the letter.

Thanks,
Taylor

Taylor Parsons | Economic Development Officer
Major Investment Projects Unit, Business Analysis Division
Department of Tourism, Culture, Industry and Innovation
☎: 709-729-2685
✉️: tparsons@gov.nl.ca

Newfoundland
Labrador
Mr. Bruce Linton  
Chief Executive Officer  
Canopy Growth Corporation  
1 Hersey Drive  
Smiths Falls, ON K7A 0A8

November 15, 2018

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- Final completion and commissioning of the production facility – September 1, 2019
- Health Canada Inspection – October 2, 2019

Please note that the changes reflects only timelines outlined in Schedule A – Milestones and Deadlines and their respective sections in the Agreement and should not be interpreted as permission to alter any other aspect of the contract. To the extent that this alteration in timelines shall constitute a waiver, it shall be interpreted to apply as such only in relation to the periods noted and shall not constitute a waiver of any other aspect of the agreement or future matters.

Sincerely,

TED LOMOND  
Deputy Minister

C: Phil Shaer, Director, 80694 Newfoundland and Labrador Inc.  
Sharon Sparkes, President and CEO, Newfoundland and Labrador Liquor Corporation
Hi Sharon,

See below and attached.

Regards,
Andrew

From: Parsons, Taylor [mailto:tparsons@gov.nl.ca]
Sent: Thursday, November 15, 2018 4:20 PM
To: Vavasour, Andrew
Subject: Timeline Amendments for CGC

Hi Andrew,

I have sent the following letter to Canopy today regarding their requested amendments to timelines in the December 7, 2017 Definitive Agreement. Ms. Sharon Sparkes is copied on the letter, however I do not have her email address. Could you kindly provide me her email, or forward my email to her so she receives the letter.

Thanks,
Taylor

Taylor Parsons | Economic Development Officer
Major Investment Projects Unit, Business Analysis Division
Department of Tourism, Culture, Industry and Innovation
☎: 709-729-2685
✉: tparsons@gov.nl.ca

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Mr. Bruce Linton  
Chief Executive Officer  
Canopy Growth Corporation  
1 Hersey Drive  
Smiths Falls, ON  K7A 0A8

November 15, 2018

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- Substantial completion – August 1, 2019
- Final completion and commissioning of the production facility – September 1, 2019
- Health Canada Inspection – October 2, 2019

Please note that the changes reflects only timelines outlined in Schedule A –Milestones and Deadlines and their respective sections in the Agreement and should not be interpreted as permission to alter any other aspect of the contract. To the extent that this alteration in timelines shall constitute a waiver, it shall be interpreted to apply as such only in relation to the periods noted and shall not constitute a waiver of any other aspect of the agreement or future matters.

Sincerely,

[Signature]

TED LOMOND  
Deputy Minister

C: Phil Shaer, Director, 80694 Newfoundland and Labrador Inc.  
Sharon Sparkes, President and CEO, Newfoundland and Labrador Liquor Corporation
From: Parsons, Taylor  
Sent: Thursday, November 15, 2018 4:29 PM  
To: 'Vavasour, Andrew'  
Subject: RE: Timeline Amendments for CGC

Thanks Andrew!

---

Taylor Parsons | Economic Development Officer  
Major Investment Projects Unit, Business Analysis Division  
Department of Tourism, Culture, Industry and Innovation  
☎: 709-729-2685  
📧: tparsons@gov.nl.ca

---

From: Vavasour, Andrew [mailto:Andrew.Vavasour@nl.liquor.com]  
Sent: Thursday, November 15, 2018 4:24 PM  
To: Sparkes, Sharon  
Cc: Ryan, Sean; Parsons, Taylor  
Subject: FW: Timeline Amendments for CGC

Hi Sharon,

See below and attached.

Regards,

Andrew

---

From: Parsons, Taylor [mailto:tparsons@gov.nl.ca]  
Sent: Thursday, November 15, 2018 4:20 PM  
To: Vavasour, Andrew  
Subject: Timeline Amendments for CGC

Hi Andrew,

I have sent the following letter to Canopy today regarding their requested amendments to timelines in the December 7, 2017 Definitive Agreement. Ms. Sharon Sparkes is copied on the letter, however I do not have her email address. Could you kindly provide me her email, or forward my email to her so she receives the letter.

Thanks,

Taylor

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Newfoundland Labrador

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