Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [File #: EC/1/2019]

On January 11, 2018, Executive Council – Cabinet Secretariat and Communications and Public Engagement Branch, received your request for access to the following records/information:

“Copies or all correspondence (letters, e-mails, hand-written notes, text messages, iMessages, BBM message, etc.), briefing/information/decisions notes (draft, final or otherwise), reports (draft, final or otherwise), or any other relevant documents created/sent/received by the individuals listed below. This request is specific to the issue of regional waste management, specifically to seasonal properties, unincorporated areas and local service districts in the Eastern Region of Newfoundland. Any/all correspondence or documents (same as request specifics above), between the group Cabin Owners Against Trash Tax and the individuals listed below should also be included.

Ann Marie Hann; Elizabeth Day; Krista Quinlan; Karen Stone; Katie Norman; Glenn Bruce; Scott Barfoot; and, Luke Joyce.”

On the same date, you further indicated you are interested in information from the period of July 2017 to present, and you included the names Brett Wareham, David Crawford and Joe Howell as associated with the group Cabin Owners Against Trash Tax. A comprehensive search has been completed using the following search criteria:

<table>
<thead>
<tr>
<th>regional waste management and seasonal properties</th>
<th>Cabin Owners Against Trash Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>regional waste management and unincorporated areas</td>
<td>Brett Wareham</td>
</tr>
<tr>
<td>regional waste management and local service districts</td>
<td>David Crawford</td>
</tr>
<tr>
<td>regional waste management and Eastern</td>
<td>Joe Howell</td>
</tr>
<tr>
<td>COATT</td>
<td></td>
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</tbody>
</table>
Please be advised that a decision has been made by the Deputy Clerk of Executive Council to provide access to an email and attached letter related to your search terms, with the exception of personal information, which has been removed in accordance with Section 40(1) of the Access to Information and Protection of Privacy Act (the Act), which states:

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.

For your information, there are no hand written notes, text messages, iMessages, BBM's, briefing notes, decision notes, information notes, reports or otherwise related to your request.

You may appeal this decision by asking the Information and Privacy Commissioner to review this response, 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 response and why you are submitting the appeal. Contact information for 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 this response, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

This response will be published as outlined on the Completed Access to Information Requests website. (http://atipp-search.gov.nl.ca/). If you have any further questions, please feel free to contact me by telephone at (709)729-5691 or by e-mail at rachellecutler@gov.nl.ca.

Sincerely,

Rachelle Cutler
ATIPP Coordinator
Enclosure
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).
Date: 3/30/2018 8:06:49 PM
From: "Hann, Ann Marie"
To: "Jarvis, Carolyn"
Subject: FW: Implementation of the Province’s Waste Management Strategy
Attachment: Premier Ball email letter.pdf;

Carolyn

Can you follow-up with PO to confirm they have received your referral email and have actioned it by routing to MAE
Let me know what you find out okay

Thanks
Ann Marie

From: Clerk of Executive Council
Sent: Wednesday, March 28, 2018 9:34 AM
To: Premier of NL <Premier@gov.nl.ca>
Cc: Hann, Ann Marie <AnnMarieHann@gov.nl.ca>
Subject: FW: Implementation of the Province’s Waste Management Strategy

Joanne/Kaitlyn,

Please see attached correspondence addressed to Premier Ball for response.

Thank you,
Carolyn

From: Clerk of Executive Council
Sent: Wednesday, March 28, 2018 9:20 AM
To: Clerk of Executive Council
Subject: Implementation of the Province’s Waste Management Strategy

Is it possible that the attached letter can be forwarded to Premier Ball?

Please acknowledge and advise.

Thank you,
March 26, 2018

Email: clerkofexecutivecoun@gov.nl.ca

Premier Dwight Ball
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL
A1B 4J6


Dear Premier Ball,

The Province's Waste Management Strategy was developed in the early 2000s and its goals were to divert 50% of the materials going into disposal by 2010, to reduce the number of waste disposal sites by 80%, to eliminate open burning at disposal sites by 2005 and phase out the use of incinerators by 2008, to phase out the use of unlined landfill sites by 2010, and to implement full province-wide modern waste management by 2010. The focus of the strategy was geared toward municipalities, local service districts, and unincorporated communities. Cabin areas were not initially identified as being part of this strategy and the greater majority of cabin owners have absolutely no problem with that as 99% of cabin owners live full time outside of their cabin areas where they pay taxes for garbage collection and subsequently support waste management activities by bringing their very small amount of weekend garbage home for proper disposal.

Despite the fact that most cabin owners were very environmentally conscious it was never acknowledged or recognized by the Eastern Regional Service Board (ERSB) which forcefully implemented a cabin garbage collection service without due consideration or consultation. ERB's mandate covers Eastern Newfoundland / Avalon Peninsula and it has become quite the frustrating experience for us to have either ERB or your current Liberal government to address the many issues and concerns expressed by the greater majority of cabin owners.

It is a well known fact that the previous PC government instigated this cabin garbage collection service and authorized the various waste management boards to develop a plan to undertake implementation and administration in their respective areas as this is legislated as a Provincial (province-wide) Waste Management Strategy. On February 28, 2018 cabin owners participating on the CBC radio Cross Talk Show received a call and were advised that the Western Regional Waste Management Board, which includes your electoral district, was much more accommodating in dealing with the cabin owners in the western regional area. It offers a garbage collection service to cabin owners on a "user pay basis." If you use the service you pay and if you don't use the service you don't pay whereas cabin owners on the eastern part of the Island are required to pay a collection fee whether you use the service or not. This user pay service is very accommodating for cabin owners who live on the western side of the Island as opposed to how the ERB is dictating to and treating cabin owners who live on the eastern side of the Island. It is extremely discriminatory and something that your government was expected to address. While it is noted that the previous PC government supported ERB in the way it very aggressively implemented and administers its service activities, the cabin owners in the eastern region are now sincerely requesting that your Liberal government should intervene and correct this terrible cabin garbage collection service that is unwanted, unused, and "hated" by 99% of seasonal cabin owners. We are convinced that if the western cabin owners were treated by the western board the same way that we
are treated by the eastern board then a government intervention would certainly have taken place by now.

In the meantime a letter dated April 22, 2016 from Minister Joyce indicated the following: **Government is supportive of the regional service boards as they work to implement modern waste management systems throughout the province. Board members are challenged to consider the varying views of all residents and the requirements of a regional system when establishing policies regarding services and fees. The reality of seven individual boards means that policies and fees may not always be consistent across the province. However, it is anticipated that cabin areas will be included where boards deem it practical to include these properties as part of a regional collection service.** Cabin owners around the Avalon Peninsula are not at all impressed with what can be considered as government’s justification for the very biased approach that ERSB is taking with regard to aggressively pursuing it’s cabin garbage collection service as compared to what and how other boards are operating. This has given us all the understanding that your government agrees with the discriminating way that cabin owners are treated in the east compared to the west. We are absolutely amazed by this as it is something that should not be tolerated or ignored by a government that represents ALL Newfoundlander’s and Labradors no matter where we live.

On Facebook there is a very active online site entitled Cabin Owners Against Trash Tax (COATT) where more and more cabin owners are expressing their disagreement with this cabin garbage collection service and how ERSB is administrating it. The site is growing and the frustration expressed is increasing day by day. As an example of the hundreds of comments made on the site let me quote this particular one made by a lady who, like us all, is extremely tormented and frustrated with what is going on: “I have started paying off the fee in 10 monthly instalments. I CAN NOT have them take me to Small Claims for not paying it. If they do, my name will be on the court docket which my employer or some co-workers would more than likely see and there goes my job as there would be an action against me and I can’t have an action against me. It’s not like its innocent until proven guilty because has anyone ever won it yet that had gone to court. I definitely am against it. I have written my MHA, my MP, Mr. Grant, Mr. Joyce, and I have been on open line too. It’s not like I gave my name or my address or anything like that. My Deed to my cabin is not even registered at the Registry of Deeds, and I have no power to it so how the xxxxx did they even get my name in the first place. I am only seasonal, and live in a Town where I pay my town taxes. I have just started asking to receive a receipt every month from ERSB for my monthly payment. I don’t love the service. I hate it. I always take my little Coleman’s bag of garbage home with me when I am at the cabin. I will continue to do it. I never asked for the service. I don’t want the service, but I can’t take a chance in losing my job over it. No my employer wouldn’t understand. Many employees and everyone has their story on something. I just have to stay off the court docket. I need my job to pay the bills and living life.

If questioned on how it’s cabin garbage collection policy is being accepted ERSB will no doubt brag that many cabin owners are paying the $180.00 fee which in it’s view means that these cabin owners love this service. The true fact however is that the ERSB’s “intimidation” collection policy is why many are paying given the fact that if you do not pay you will be immediately charged interest on your account and/or you will be taken to court and/or your account may be turned over to collection agencies which will have a negative impact on your credit rating. It is absolutely unbelievable that your government supports this very aggressive policy that is primarily only applied to cabin owners in Eastern Newfoundland.

The question is: how can the current Liberal government support ERSB on how it has implemented and is administrating this cabin garbage collection service given the tremendous frustration and growing
anger that cabin owners are having with this approach? We are sincere, honest, hard working, law
abiding citizens whose views and opinions appear to be totally ignored.

Mr Premier, this is not going away and most of us are of the view that if our concerns are expressed in
a reasonable and sincere way then government will indeed recognize that these concerns and issues are
legitimate. Based on this many believe that your Liberal government will address this without further
delay; however, to date it has fallen on deaf ears. Yes the various boards are independent but only
because government made them independent; however, they are not fully independent outside of
government's legislative jurisdiction. We assume that as Premier you do have a degree of influence and
authority with regard to how these boards operate and how your Ministers deal with such issues that
have a very negative impact on a select number of the province's citizens. As far as we are concerned,
ALL Newfoundlanders and Labradorians should be treated equally with regard to the implementation
of the Province's Waste Management Strategy.

In your Mandate letter dated November 15, 2017 it is stated that public engagement is to ensure that
government policy reflects the needs of Newfoundlanders and Labradorians, that your government is
focused on service excellence, and at the end of the day Newfoundlanders and Labradorians want to
see results. If however your government is not prepared to give our concerns any due consideration and
given the fact that cabin owners in Eastern Newfoundland are treated differently compared to the rest
of the Province it is requested that your government explain how it supports and defends such a
discriminatory policy.

Thank you for your time and attention.

Regards,

40(1)

cc COATT 40(1)
Date: 4/2/2018 2:21:33 PM
From: "Hann, Ann Marie"
To: "Jarvis, Carolyn"
Subject: RE: Implementation of the Province’s Waste Management Strategy

Ok thanks

From: Jarvis, Carolyn
Sent: Monday, April 2, 2018 2:15 PM
To: Hann, Ann Marie <AnnMarieHann@gov.nl.ca>
Subject: RE: Implementation of the Province’s Waste Management Strategy

Ann Marie,

I spoke with Kaitlyn at the Premier’s Office and she said this email was forwarded to Municipal Affairs and Environment on Wednesday, March 28th for response.

Thanks,

Carolyn Jarvis
Administrative Assistant to
Clerk of the Executive Council and
Secretary to Cabinet
Cabinet Secretariat, Executive Council
Phone: (709) 729-3490
Fax: (709) 729-5218
E-mail: carolynj@gov.nl.ca

From: Hann, Ann Marie
Sent: Friday, March 30, 2018 8:07 PM
To: Jarvis, Carolyn
Subject: FW: Implementation of the Province’s Waste Management Strategy

Carolyn

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