August 21, 2018

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/73/2018]

On August 9, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“A list of dates when the Labrador Regional Appeal board met in 2017 and 2018 and a copy of all appeal requests sent to the board in 2018”

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the 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, 2015 (the Act):

“30 (2) The head of a public body shall refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a person other than a public body.

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.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed. To clarify the records included in this request, the Labrador Regional Appeal Board did not meet in 2017 and 2018 and thus no list of dates exist. It is anticipated that representatives will be appointed to the Labrador Regional Appeal Board in the near future. The two appeals that were submitted to the Labrador Regional Appeal Board in 2018 are attached to this letter. The below list is provided to clarify the responsive appeal records.

- Pages 55-63 are omitted due to section 30(2), ATIPP(2015)
- Pages 71, 83-94 are omitted due to section 30(2), ATIPP(2015)

These pages are omitted as the appeal has not yet been presented to the appeal board, once the appeal is presented to the Labrador Regional Appeal board the information can be made publicly available.

P.O. Box 8700, St. John's, NL, Canada A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

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 address and contact information of the Information and Privacy Commissioner is as follows:

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

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

Please be advised that responsive records will be published following a 72-hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN  
ATIPP Coordinator  
Enclosures

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Access or correction complaint

P. O. Box 8700, St. John's, NL, Canada  A1B 4J6  709 729 5677  709 729 0943  www.gov.nl.ca
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).
May 1, 2018

Mr. Robert Cotter
Secretary to the Regional Appeal Boards
c/o Department of Municipal Affairs and Environment
Howley Building, Higgins Line
P.O. Box 8700

Mr. Cotter:

Re: Appeal of Keith Russell
   Respondent: Town of Happy Valley – Goose Bay
   Respecting: An Order of March 22, 2018 regarding a warehouse building on 83B Hamilton River Road, Happy Valley – Goose Bay

This is further to Keith Russell’s appeal of the Town’s Order of March 22, 2018 (the “Appeal”) regarding a dilapidated warehouse building on 83B Hamilton River Road, Happy Valley – Goose Bay (the “Order”) and correspondence from Mr. Cotter dated April 16, 2018 asking that the Town provide certain documentation in response to the Appeal.

This letter will serve as the Town’s chronology and overview of the history and relevant documentation. The Index includes the referenced materials, as well as the completed checklist required by the Board.

The Checklist is at Tab 1.

The Order under Appeal is dated March 22, 2018 and was sent to Mr. Keith Russell, the Appellant, by registered mail. The Order is at Tab 2.

At the public meeting of Town Council on March 20, 2018, the Council resolved to issue the Order. The Council Minutes of March 20, 2018 is at Tab 3, and the relevant Minute is at 8(b).

The Order concerns a dilapidated building at 83B Hamilton River Road (the “Building”).

Four (4) photographs of the Building, taken on April 25, 2018, are attached at Tab 4.
The Order was issued further to section 404(1)(f) of the Municipalities Act, 1999, SNL 1999 c. M-24 (the “Act”), which provides:

Council orders

404. (1) A council may make an order that

(f) where a building is in a dilapidated state, or is, in the opinion of the council, unfit for human habitation, or another use for which it is then being used, or is a public nuisance, the owner or occupier is to pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the order directs; [Emphasis added]

The Town exercised its discretion under section 404(1)(f) of the Act to require the removal of the Building on the grounds that the Building is in a dilapidated state and/or a public nuisance. As more particularly shown on the Photographs, the Building is in poor condition, with the entire siding of the Building peeling and being unsightly, with a large portion of the siding on the South-East corner having broken or fallen off.

To the best of the Town’s knowledge, the Building has been vacant since approximately 2015.

The Council is of the view that the Building is dilapidated and is a public nuisance, and that its appearance detracts from the area.

The Town’s position is that it exercised its discretion to require the destruction and removal of the Building further to section 404(1)(f) of the Act and that the Appeal should be dismissed.

Russell filed his appeal on April 12, 2018, and indicated on his Appeal form that he received the Order on April 5, 2018.

As part of his Appeal, Russell provided an undated and unsigned letter to the Regional Appeal Board and some mapping. The Town understands that these materials are Russell’s grounds for the Appeal, as required by section 42 of the Urban and Rural Planning Act, 2001, SNL 2001 c. U-8 (the “URPA”). Russell’s appeal form, letter and associated mapping are at Tab 5.
OVERVIEW

Russell acknowledges that he does not own the land that the Building is on.

The underlying land is actually owned by the Province following the expiration of a 50-year Crown Lease held by North West Company.

Russell bought the Building (for $1.00) in 2017, after the expiration of the Crown Lease.

The Building is dilapidated and a public nuisance, and the Town has the discretionary authority to require its removal under section 404(1)(f) of the Act.

Russell's lack of ownership of the underlying land means that he is precluded by section 17 of the Town's Development Regulations from getting a development permit, absent approval from the Province (which is the owner).

The Town submits that those facts are sufficient to uphold the Order.

Russell's letter gives a brief overview of the complicated history relating to the lands formerly subject to the Crown Lease. The Town, in its Detailed Review and History (below), provides the full history, although the Town's position is that this level of inquiry is unnecessary as the issuance of Crown title is within the exclusive jurisdiction of the Province and is not within the control of the Town and, with respect, the Crown's decisions regarding the issuance of title are also not within the jurisdiction of this Board.

DETAILED REVIEW AND HISTORY

Russell does not own the underlying real property (i.e. the land) that the Building is located on (the "Building Lands"), as acknowledged in his grounds for appeal.

The Building Lands are actually owned by the Province of Newfoundland and Labrador, as also acknowledged in Russell's grounds for appeal.

The Building Lands are within lands that were leased to Rupert's Land Trading of Winnipeg by Crown Lease No. 15224 dated May 7, 1965 (the "Crown Lease"), a copy of which is at Tab 6. Rupert's Land Trading subsequently became North West Company ("North West").

The Crown Lease was for 50 years and expired in May, 2015, following which Crown Lease lands, including the Building Lands, reverted back to the Crown according to the terms of the Crown Lease.
Russell acquired the Building, not the Building Lands, for one dollar ($1.00) from North West by Bill of Sale dated February, 2017, a copy of which is attached Tab 7.

At the time Russell acquired the Building, the Building Lands were owned by the Crown.

The Crown Lease lands fronted onto Hamilton Road. Green Leaf has a building to the East, and Webhayes Inc. has a commercial operation to the West.

At the time of the expiration of the Crown Lease:

(a) a portion of the Crown Lease lands were used by

(b) a portion of Green Leaf’s building encroached on the Crown Lease lands,

The Lands Act, SNL1999 c. 36 governs the issuance of rights and/or title to Crown land from the Province. Municipalities have no legislative or regulatory ability to speak to the validity or desirability of a Crown Lands Application, and the discretion to approve or reject a Crown Lands Application rests solely with the Province.

When faced with an application for rights to Crown land, and where that land is within a municipality, the Province has adopted a practice of circulating a Municipal Recommendation Form or Municipal Referral Form to the applicable municipality seeking, for example, confirmation of the zoning, whether the proposed use conforms to the standards of the Town and, ultimately, inquires whether the municipality recommends approval of the applicable Crown Lands Application.

The Town was not previously aware that the lands in question were subject to the Crown Lease and that it had expired.

The first time the Town became aware of the possibility that the Crown Lease lands might have reverted back to the Crown was when it received a Municipal Recommendation Form on November 28, 2016 from the Crown as a result of Mom’s Place Limited having applied to the Crown for title to all of the former Crown Lease lands.

In response to the Municipal Recommendation Form respecting the application of Mom’s Place Limited, the Town indicated to the Crown that further investigation was required in light of requiring some of the former Crown Lease lands for access purposes.
Following the Crown Lands application of Mom’s Place Limited, Keith Russell, Green Leaf Ltd. and Webhayes Inc. also applied to the Crown for some, or all, of the former Crown Lease lands.

In early 2017, the Town also elected to take steps to have the dilapidated Building removed, as it had had concerns about the condition of the Building for a considerable period of time.

On March 1, 2017, the Town issued an order to North West requiring the removal of the Building. A copy of that Order is at Tab 8 (the “North West Order”).

By correspondence from North West dated March 6, 2017, North West advised that it had sold the Building to Russell. The letter of March 6, 2017 is at Tab 9. Prior to receiving that letter, the Town was not aware that North West had sold the Building to Keith Russell.

The Town was later provided with the Bill of Sale for the Building dated February 6, 2017 where Russell bought the Building for $1 from North West.

The Town has not rescinded the North West Order, and it also remains in force further to section 404(3) of the Act, which provides:

404(3) An order made under this section continues in force until revoked by the council which made that order.

The Town has dealt extensively with Crown Lands and the various parties, and ultimately wrote the Provincial Department of Fisheries and Land Resources on December 1, 2017, through the Town's legal counsel, to set out the history and the potentially interested parties in order to provide full disclosure to the Crown in the course of the Crown's consideration of the numerous Crown Lands Applications in issue. A copy of the Town’s correspondence of December 1, 2017 is at Tab 10.

The Town’s letter of December 1, 2017 includes the relevant attachments.

As more particularly set out and evidenced by the December 1, 2017, the Town has attempted to work with all of the possibly interested parties, but the parties have been unable to come to a resolution.

As noted in the Town’s letter of December 1, 2017, the Town have since written the Town indicating that the former Mom’s Place Limited have since taken up residence in one of the former Crown Lease lands. The Town understands the claim to be based on historical usage, and the Town expresses no opinion as to the strength or validity of their claim.
The Town has no ability to allow Russell to use the Building, change the use of the Building, occupy the Building or carry out any Development on the Building unless Russell owns the Building Lands or obtains the Crown's consent to occupy those lands.

The Town's Development Regulations are drafted in reference to an "Owner", which is defined in Schedule A of the Town's Development Regulations as the owner of the real property or a person having the legal right to use the land, and provides:

OWNER means a person or an organization of persons owning or having the legal right to use the land under consideration.

Russell is not an "owner" of the Building Lands for the purpose of the Town's Development Regulations, as he does not own the Building Lands and does not have any Crown-issued rights to those lands.

Although Russell has not applied for a Development permit to carry out any work in respect of the Building, any such application would have to be denied, where applications for development are required by section 17 of the Town's Development Regulations to be submitted by the "owner." Section 17(1) provides:

17. Form of Application

(1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town. [Emphasis added]

Furthermore, the Building has been vacant for more than 6 months and any intended use of the Building by Russell would be different than the use for which it was occupied by North West.

In order to occupy the Building and in order carry out any use of the Building, Russell would require permits under section 194(c) and (d) of the Municipalities Act, which provides:

Building prohibition

194. A person shall not within a municipality

(a) erect a building;

(b) extend, repair, relocate or demolish an existing building;
Town of Happy Valley-Goose Bay

(c) change the use for which an existing building is or was last held or occupied; or

(d) occupy a building that has been vacant for a period of 6 months or more or a newly constructed building,

except in accordance with a written permit from the council. [Emphasis added]

Again, any application for occupancy or change of use of the Building could only be submitted by an "Owner", and Russell would be unable to obtain such permits.

Relevant sections of the Town’s Development Regulations and provided at Tab 11.

As Russell is not the "owner" of the Building Lands, the Town could not order Russell to remediate the Building. Instead, and in order to address the dilapidated Building, the Town has ordered that it be demolished and removed from the Building Lands, as is expressly allowed by section 404(1)(f) of the Act.

The following individuals and/or companies might have an interest in this Appeal:

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<th>Party</th>
<th>Possible Address</th>
</tr>
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<tr>
<td>Mom’s Place Limited</td>
<td>Registered office per CADO is 86 Hamilton River Road, Happy Valley – Goose Bay</td>
</tr>
<tr>
<td></td>
<td>- For Town taxation purposes, the Town uses the following address:</td>
</tr>
<tr>
<td></td>
<td>96 Hamilton River Road</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 211, Stn. C</td>
</tr>
<tr>
<td></td>
<td>Happy Valley – Goose Bay, NL</td>
</tr>
<tr>
<td></td>
<td>A0P 1C0</td>
</tr>
<tr>
<td>Webhayes Inc.</td>
<td>- Registered office per CADO is 42 Valleyview Drive, Happy Valley – Goose Bay</td>
</tr>
<tr>
<td></td>
<td>- For Town taxation purposes, the Town uses the following address:</td>
</tr>
<tr>
<td></td>
<td>85 Hamilton River Road</td>
</tr>
<tr>
<td></td>
<td>P.O. Box 1600, Stn. B</td>
</tr>
<tr>
<td></td>
<td>Happy Valley – Goose Bay, NL</td>
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Regards,

Randy Dillon
Director of Engineering/Town Manager (Acting)
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TAB 1
April 16, 2018

BETWEEN

Keith Russell

APPELLANT

AND

Town of Happy Valley-Goose Bay

RESPONDENT

RESPECTING

An Order of March 22, 2018 regarding a warehouse building on 83B Hamilton River Road, Happy Valley-Goose Bay

Dear Town of Happy Valley-Goose Bay:

This is to inform you that an appeal was registered with the Labrador Regional Appeal Board on April 13, 2018. Enclosed is a copy of the appellant’s submission appeal initiated against the Town.

The Board is bound by section 42 of the Urban and Rural Planning Act, 2000 (the “Act”), which outlines matters that the Board can hear. The Board may determine that an appeal is invalid if the matter is outside its jurisdiction. Therefore, please indicate below in the appropriate box what the decision being appealed is with respect to:

- an application to undertake a development;
- a revocation of an approval or a permit to undertake a development;
- the issuance of a stop work order; and
- a decision permitted under this or another Act to be appealed to the board.

The following information is required within 15 days of receipt of this letter. In providing the documentation, please check the items and return this check list along with your submission. The information being collected for the purposes of determining and administering an appeal in accordance with Section 42(8) of the Urban and Rural Planning Act, 2000 and the Development Regulations (CNLR 3/01). Take caution when releasing private information. To distinguish the authority’s documents, please page number the submission.

- a letter outlining the chronological order of events that lead to the decision being appealed omitting other personal information,
- a copy of the Authority’s development decision letter
- a copy of all council minutes only relating to the matter
- a location plan and zoning map indicating the proposed site and/or pictures
- a copy of the development application and any supporting information provided by the appellant/developer; do not include letters of support or objections but a statement that council considered such input if applicable
- a copy of any comments, approvals or recommendations made by any other Government department or public body
- any other relevant correspondence together with a statement outlining any further action taken by the Authority

c/o Department of Municipal Affairs, P.O. Box 8700, St. John’s, NL, Canada. A1B 4J6. Tel: 709-729-3040 Fax: 709-729-0477
a list of persons (include mailing addresses) whom the Authority considers particularly affected by this decision and who should be notified

When an appeal is filed under section 42 of the Act, in accordance with section 45(1) of the Act, all work related to the development under appeal shall not proceed. Section 45(1) states:

45(1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

Please take note of section 8 of the Minister’s Development Regulations, 2000, which states:

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

The authority should ensure that this requirement is enforced and inform any other party that is affected.

Yours truly,

Robert Cotter, Secretary
Newfoundland Regional Appeal Board

Copy to: appellant(s).
March 22, 2018

Delivered by Registered Mail

Keith Norman Russell

Attention: 83B Hamilton River Road, Happy Valley-Goose Bay

To Whom It May Concern:

This is an ORDER of the Town of Happy Valley – Goose Bay, Newfoundland and Labrador pursuant to section 404.(1)(f) of the Municipalities Act, 1999 regarding the warehouse building on 83B Hamilton River Road, Happy Valley-Goose Bay known as (the "Building").

The Building is in a dilapidated state and a public nuisance. On or before July 31, 2018, you are ordered to pull down, remove, fill in or otherwise destroy the Building and restore the site to its original state. All such activity is to be in strict accordance with the Town of Happy Valley – Goose Bay Development Regulations and all applicable statutes and regulations for the safe and secure demolition and reinstatement of the area.

This Order can be appealed (within 14 days of the service or posting of the Order) to a Provincial Appeal Board. Contact the Department of Municipal Affairs for Newfoundland and Labrador for more information at (709)729-3090 or visit website: http://www.ma.gov.nl.ca/ma/for/appeals.htm

Should you have any questions about this Order, please contact Anatolijs Venovcevs, GIS Technologist for an appointment at 896-2437.

Yours truly,

Nadine MacAulay
Director of Financial Operations/Acting Town Clerk
Town of Happy Valley-Goose Bay

Visit our website at www.happyvalley-goosebay.com
TAB 3
The 12th meeting of the 12th Elected Town Council of the Town of Happy Valley-Goose Bay was held on March 20, 2018 at 5:00 PM and called to order by Mayor Wally Andersen.

Members Present:
Mayor Wally Andersen
Deputy Mayor Bert Pomeroy
Councillor Michelle Baikie
Councillor Jackie Compton Hobbs
Councillor Shawn Crann
Councillor Lori Dyson-Edmunds
Youth Councillor Katie Wells

Also Present:
Executive Assistant, Kathy Eddy
HR Manager/Acting Town Manager Paul Motty
Director of Financial Operations/Acting Town Clerk Nadine MacAulay

1. ADOPTION OF THE AGENDA OF THE 12TH MEETING

It was moved by Councillor Dyson-Edmunds and seconded by Councillor Crann to adopt the agenda of the 12th meeting of the Town Council of the Town of Happy Valley-Goose Bay. Motion carried.

2. SWEARING IN OF JOSEPH TREMBLETT

Successful candidate in the March 13th By-Election, Joseph Tremblett took the Oath of Office and joined Council to participate in the remainder of the meeting.

3. DELEGATIONS

a. [Redacted] addressed Council about their submission to the PUB on Hydro Rates and applauded Council on their stand on this very important issue. Ms. [Redacted] advised that Hydro denied the application for intervenors status and queried how this could be when the transmission line being paid for by citizens and be denied by the organization that is going to build it. Ms. [Redacted] went on to talk about Bit Coin Operations (Data Centres) and how they require huge amounts of power and provide very little employment, adding that there are currently 2 operating in Town and a third
pending. She said this is a huge concern for this community as it will increase power rates by approximately 13%-18%. Ms. [obscured] said there are alternatives and suggested the $20 million project be put on hold and the Town host a public meeting with Hydro and their lawyer, so the people of this community have an opportunity to come together and ask questions.
Ms. [obscured] said that Nalcor is saying the project is 89% complete and asked what will happen to the 11000 bags of fly ash that is being stored on the North Side. She said this is a serious concern and asked that Council investigate how and where the fly ash is going to be disposed of.
Ms. [obscured] acknowledged that March 31st is Labrador Flag Day and advised that the Labrador Land Protectors and the Grand Riverkeepers have some ideas and would like to work with Council to plan activities for the day.

4. ADOPTION OF THE MINUTES OF THE 11TH MEETING

It was moved by Deputy Mayor Pomeroy and seconded by Councillor Baikie to approve the adoption of the minutes of the 11th meeting of the Town Council of the Town of Happy Valley-Goose Bay. Motion carried unanimously.

5. CORRESPONDENCE

There were 3 incoming letters in correspondence this month.

6. MUNICIPAL SERVICES- Councillor Shawn Crann

It was moved by Councillor Crann and seconded by Councillor Baikie to accept the Municipal Services committee report for March as presented. Motion carried.

Recommendations:

a. Tender-Fire Chiefs’ ½ ton pickup crew cab- The Municipal Services committee recommends Council award the contract for the supply of the ½ ton pickup truck to Labrador Motors in the amount of $43,513.27 HST included. Moved by Councillor Crann and seconded by Councillor Compton Hobbs. Motion carried.

b. Tender-1/2 ton pickup truck- The Municipal Services committee recommends Council award the contract for the supply of the ½ ton pickup truck to Labrador Motors in the amount of $40,959.48 HST included. Moved by Councillor Crann and seconded by Mayor Pomeroy. Motion carried.
c. Multi Year Capital Works Agreement-The Municipal Services committee recommends that Council authorize Mayor Wally Andersen and Acting Town Clerk Nadine MacAulay, Director of Financial Operations, to enter into a Multi Year Capital Works Agreement, Amendment #1, with Her Majesty the Queen in right of Newfoundland and Labrador, as represented by the Minister of Municipal Affairs and Environment, on behalf of Council for the 2014-2017 Multi Year Capital Works Program. Moved by Councillor Crann and seconded by Councillor Compton Hobbs. Motion carried.

7. COMMUNITY SERVICES, RECREATION AND SPECIAL EVENTS- Councillor Jackie Compton Hobbs.

It was moved by Councillor Compton Hobbs and seconded by Councillor Baikie to accept the Community Services, Recreation and Special Events committee report dated March 5th as presented. Motion carried.

Recommendations:

a. Winter Carnival-The Community Services & Recreation committee recommends Council allocate $6,000.00 towards the Winter Carnival activities scheduled for April 14th and 15th. Moved by Councillor Compton Hobbs and seconded by Councillor Crann. Motion carried.

8. DEVELOPMENT, PLANNING AND ENFORCEMENT- Councillor Bert Pomeroy

It was moved by Deputy Mayor Pomeroy and seconded by Councillor Baikie to accept the Development, Planning and Enforcement committee report dated March 12th as presented. Motion carried.

Recommendations:

a. Civic Numbering Regulations-The development, planning and enforcement committee recommends Council support and approve the Civic Numbering Regulations for the Town of Happy Valley-Goose Bay to come into effect on April 1st, 2018. Moved by Deputy Mayor Pomeroy and seconded by Councillor Compton Hobbs. Motion carried.

b. 83 B Hamilton River Road- The development, planning and enforcement committee recommends Council issue a demolition order to Keith Norman Russell to demolish the old warehouse at 83B Hamilton River Road as it is a dilapidated building and a public
nuisance. Moved by Deputy Mayor Pomeroy and seconded by Councillor Dyson-Edmunds. Motion carried.

c. Data Centres- The development, planning and enforcement committee recommends Council Classify data centres as a General Industry which must comply with the following conditions:
  
  - Register with the Town of Happy Valley-Goose Bay as a business.
  - Follow all the Towns Development and Planning Regulations, including the zoning laws.
  - Receive Fire and Life Safety Inspection and meet all Service NLS requirement for a commercial business.

Moved by Deputy Mayor Pomeroy and seconded by Councillor Compton Hobbs. Motion carried.

9. ECONOMIC DEVELOPMENT AND PUBLIC ENGAGEMENT- Councillor Lori Dyson-Edmunds

It was moved by Councillor Dyson-Edmunds and seconded by Councillor Crann to accept the Economic Development and Public Engagement committee report dated March 5th as presented. Motion carried.

Recommendations: No recommendations this month.

10. FINANCE, ADMINISTRATION AND POLICY- Councillor Michelle Baikie

It was moved by Councillor Baikie and seconded by Councillor Crann to accept the Administration and Policy committee report dated March 12th as presented. Motion carried.

Recommendations:

a. Donation [REDACTED]-The Finance, Administration and Policy committee recommends that Council approve the request from [REDACTED] for financial support in the amount of $500.00 to attend the Miss Teen Beauty International Pageant. Moved by Councillor Baikie and seconded by Councillor Compton Hobbs. Motion carried.

b. Donation Melville Music Festival-The Finance, Administration and Policy committee recommends Council approve a cash donation to the Melville Music Festival in the
amount of $300.00. Moved by Councillor Baikie and seconded by Deputy Mayor Pomeroy. Motion carried.

c. Fire and Emergency Services Rates Policy F0029-The Finance, Administration and Policy committee recommends Council adopt the Fire and Emergency Services Rates policy F0029 as presented in Council package. Moved by Councillor Baikie and seconded by Councillor Crann. There was discussion and it was the consensus of Council that the policy required further information. Mayor Andersen called for the vote as the motion was already on the table. All voted against the motion, thus the motion was defeated.

11. APPROVAL OF CHEQUES

It was moved by Councillor Baikie and seconded by Councillor Compton Hobbs to approve the cheques in the amount of $607,114.40 Motion carried.

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017174  03/15/2018  [REDACTED]  1,380.00  6
017176  03/15/2018  LABRADOR PRINTERS LTD.  516.35
017177  03/15/2018  LABRADOR SPECIALTY SERVICE INC.  2,090.63
017178  03/15/2018  LABRADOR MOTORS LTD.  617.39
017182  03/15/2018  MEALY MOUNTAIN COLLEGIATE  500.00
017183  03/15/2018  MEDICAL WEST SUPPLIES INC.  564.17
017184  03/15/2018  MOKAMI TRAVEL SERVICE LTD.  3,069.77
017187  03/15/2018  NEWFOUNDLAND & LABRADOR HYDRO  6,379.09
017190  03/15/2018  NORTHERN LIGHTS LTD  1,133.46
017192  03/15/2018  OILTHUIS KLEER TOWNSEND LLP  670.56
017195  03/15/2018  PIKE'S HOME HARDWARE BUILDING CENTER  778.72
017197  03/15/2018  PROC.COM DATA  4,140.00
017199  03/15/2018  Receiver General (Innovation, Science and Economic Development Canada)  1,650.00
017200  03/15/2018  ROYAL LEPAGE TURNER REALTY  600.00
017206  03/15/2018  SWITCH ELECTRICAL INC.  2,203.40
017209  03/15/2018  TOROMONT CAT (CROMAN)  2,029.59
017210  03/15/2018  TOSSS SIGNS INC.  512.33
017213  03/15/2018  VOHL INC  608.83
017214  03/15/2018  WESTERN PUMP SERVICES  357,714.69
017215  03/15/2018  WOODWARD'S OIL LIMITED  54,249.37

$607,114.40

12. COUNCILLORS FORUM

Councillor Baikie welcomed Councillor Tremblett to Council and offered congratulations to [REDACTED] Councillor Baikie spoke of the water shut off today and said she was pleased that the WS department was able to complete the repair in a timely fashion. Councillor Baikie advised that unfortunately [REDACTED] but encouraged all to get out and enjoy it. Councillor Baikie said she is looking forward to seeing the Town Manager, Electrician and Community Constable positions filled. Councillor Baikie said she has concerns with the Bit Coin operations in Town as well and hopes Hydro will be mindful.

Councillor Compton Hobbs welcomed Councillor Tremblett. Councillor Compton Hobbs reminded everyone of the upcoming events; Volunteer Appreciation, Winter Carnival, Snowflake Ice Show.
and encouraged all to come out and enjoy. Councillor Compton Hobbs said she is very concerned about the most recent complaint about services at the Labrador Health Centre. She said the Town will be issuing a statement and she feels the community should take their concerns farther by organizing a rally. She said our health care system is failing us and she feels we need a full health authority review. Councillor Compton Hobbs said Council is the voice for this community and Council needs to change and improve our health care.

Councillor Dyson-Edmunds said she has the same thoughts about our health care as Councillor Compton Hobbs. She encouraged the public to reach out and voice their concerns. Councillor Dyson-Edmunds welcomed Councillor Tremblett and welcomed back PR Manager Naomi Sharpe from [redacted]. Councillor Dyson-Edmunds said she is looking forward to the winter carnival and offered hats off to the organizers. Councillor Dyson-Edmunds was pleased to say that she just got word that all 4 missing snowmobilers from Natuashish have been located safe and sound.

Youth Councillor Wells welcomed Councillor Tremblett and acknowledged Councillor Compton Hobbs for spearheading the Winter Carnival. She said she is encouraging youth to participate and enjoy the event.

Councillor Tremblett thanked everyone for their well wishes and said he is looking forward to working with Council. He volunteered to help with the Winter Carnival and any other events that may require his assistance.

Councillor Crann welcomed Councillor Tremblett and that he admires his persistence. Councillor Crann advised that he met with the Superintendent of Roads and Grounds and is pleased to say the roads have all been graded and sanded. He advised he also met with the Superintendent of Water and Sewer and that the problem on Hamilton River Road has been corrected. Councillor Crann said he is pleased to say the 2nd annual Regula Schule Food Drive will be taking place on March 31st at the Co-op and encouraged all to support this much needed cause.

Deputy Mayor Pomeroy congratulated and welcomed Councillor Tremblett to the table and agreed that persistence does pay off. Deputy Mayor Pomeroy acknowledged Ms. [redacted] delegation and agreed that rate payers should not be expected to pay higher rates; that Council needs to send a strong message that we are not prepared to pay more to accommodate data centres. He said the increase should be paid by the data centres. Deputy Mayor Pomeroy agreed with previous comments about health care and agreed that things must improve. He said the staff at the hospital are not happy in the environment and Council needs to take action. He encouraged everyone to take the online survey and let their views be known. He said we need to send a message to the Province that our residents deserve better than this.

Mayor Andersen welcomed Councillor Tremblett and said the fact that he never gave up shows a lot about his character and that he wants to good things for this community. Mayor Andersen said
he met with Minister Eddie Joyce this past week regarding funding for the Wellness Centre. He said Council has the letter from the Federal Government, the capital campaign is in order and now we wait for the Provincial budget to come down. Mayor Andersen said he gave the land transfer letter to Minister Joyce as well and expects a response very soon. Mayor Andersen said he attended the Urban Municipalities Committee meeting last week and one of the presentations he attended was presented by a former RNC officer on how legalizing cannabis will affect our community. He said he also attended presentations about the Highway Traffic Act. Mayor Andersen welcomed PR Manager Naomi Sharpe back from [REDACTED]. Mayor Andersen referred to previous comments about our health care and said at the Health Forum these concerns were made very clear to Minister Hagee. He said he feels Council needs input from all of Labrador and an open invitation to rally together will give more fuel to the fire and create one strong voice for ALL of Labrador. Mayor Andersen said there are some positions (Doctors/Specialists) that need to be stationed at our hospital instead of in St. Anthony. Mayor Andersen spoke of the hydro rates and encouraged anyone to speak out to ensure we get good hydro rates. Mayor Andersen advised that Spring Gulch water is very close; just waiting on a few minor details from Ottawa. Mayor Andersen wished everyone a Happy Easter and encouraged everyone to enjoy the holiday with family and friends.

There being no further business, a Motion to adjourn the meeting was made by Councillor Compton Hobbs and seconded by Councillor Dyson-Edmunds. Motion carried. Meeting adjourned at 6:30 PM.

__________________________________________
MAYOR WALLY ANDERSEN

__________________________________________
ACTING TOWN MANAGER RANDY DILLON
Potential copyright material

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TAB 5
Regional Appeal Boards  
c/o Department of Municipal Affairs & Environment,  
Government of Newfoundland Labrador

APPEAL SUMMARY FORM

- Your appeal and fee must be filed with the Regional Appeal Board (Attention: Robert Cotter) at the address below within the 14 day appeal period.
- The following information is required. With this form, you must submit:
  - a copy or summary of the decision being appealed
  - statement outlining the grounds for your appeal
  - appeal fee $200.00 plus HST (total $230.00)

In providing the documentation, please check the items indicating that they are submitted with this appeal form.

All information submitted will become part of a public appeal process.

1. (Please check one of the following) Did you,
   - [ ] submit a development or building application to the Authority.
   - [X] receive an Order;
   - Or, are you
     - [ ] an interested third party.

2. I am appealing a decision made under (please check one)
   - [ ] Town of Municipal Plan and Development Regulations.
   - [ ] Interim Development Regulations
   - [ ] Local Area Plan
   - [ ] Protected Area Plan
   - [ ] Highway Sign Regulations
   - [ ] Protected Road Zoning Regulations
   - [ ] S. 194 or 404 of the Municipalities Act
   - [ ] S. 240 of the City of Mount Pearl / Corner Brook Acts

3. What decision are you appealing? (please check one)
   - [ ] Approval
   - [ ] Refusal
   - [X] Order
   - [ ] Conditions of an Approval

4. What is the street address of the subject property/development? Hamilton River Rd

5. When did the Authority make its decision? 12/03/18

6. When did you receive notification of this decision? 05/04/18

7. Please include any documentation from the authority related to the appeal.

Name: Keith Russell

I certify that the information provided above is true to the best of my knowledge and belief.

Name: Keith Russell

(Please Print)  
Signature:  
12/04/18
To the Regional Appeal Board,

For over a year now I have been pursuing the purchase of Greenleaf Ltd., a lawn and gardening storefront located at 83 Hamilton River Road in Goose Bay Labrador, the owners informed me also that they had heard that the Northwest Company did not renew their lease on an adjacent warehouse next to the store that needed some TLC but would compliment the operation nicely, it could also be used for parking in the event that it was removed. I then went into the Crown lands office in Goose Bay to check on the process and it was relayed to me by staff that many applications had been recieved over time on that property and that if I was the owner of the building that occupied the space I would have a better chance of having a successful application. So that's what I did, I called the Northwest Company who had the original lease on the property and they agreed to sell me the building. After that I submitted my application and paid the application fee.

While looking at the building, [redacted] dropped over and asked me what I was doing and I told [redacted] I had purchased the warehouse, then said [redacted] had been trying to get it for a long time now. [redacted] said [redacted] was going to see the town about it.

I was then contacted some weeks later by Wyman Jacque the then town manager at the time about the said property and asked to come into the town office for a dialogue. I went to have a meeting with him as soon as I was able, it was then that he stated that [redacted] wants that land for luxury suites, and they put a demo order on it. I said that is of no consequence to me and that I had plans to use it for my operations at Greenleaf. [redacted] The lease had been expired since 2015 for the Northwest company and the town chose to do nothing except until it was communicated to them that I was the new owner of the building.

It was stated to me by Councillor Pomeroy that you bought a building with a demo order on it and that was not true as I later found out that they put the demo order on the building 15 days after I purchased it.

There was an issue with Greenleaf which has since been resolved but I even re-submitted an amended application to accommodate that need as well, it was turned down also. I presented to council but my concerns were ignored and nothing progressed.

On July 7, 2017 we were told via email to work it out amongst ourselves with the other parties, it was communicated to me right from the very beginning that we needed to address 3 issues for the 3 adjacent stakeholders.

- [redacted]
- Greenleaf Parking
- Parking for [redacted] (Scrivens Optometry Office)

[redacted] and I have met on many occasions and [redacted] came up with a great suggestion.
which I will attach to this statement that accommodates everyone, but refused to meet with us at any time. We shared this with council but they never considered it.

We were invited to the town hall where we walked into the board room with a slide on the projector with Six Luxury Suites again - not being a stakeholder in this situation it seemed a little out of place. As the meeting progressed it became evident the Six Luxury Suites started out by wanting a driveway to a small rental property out behind the warehouse and our proposal would have satisfied that, but then decided that they want all of the land given back to them for free as it was supposedly promised by the then Hudson's Bay Company 50 years ago or more which is unsubstantiated at this point. I also said the Hudson's Bay Company also paid $50 for it which was the going price of the time. and I as the other two stakeholders have been amicable and cooperative the whole time. The meeting ended with frustrations at the town's reluctance to approve attempts to get the land and a town councillor in front of everyone promising to take care of it and do something else specially for to make up for it.

I am now the owner of Greenleaf Limited and I am looking to expand my operation and create a few more jobs in our community, I wish to secure the land and renovate the existing structure for a warehouse and marshalling area for the products and services offered by this store. I simply want to be in a position to bring the building in. This gives me the ability to grow a local business and expand its operation thereby providing more local employment and making a better community. I am looking to provide a few local jobs and increase the tax revenue base for the town, any simple parking solution would not.

On March 20th of this year the council voted on issuing a demo order to me personally as opposed to working with us - where we could not come to a solution because of Councillor Pomeroy stated that he meant to notify me that this was coming back to council and that he had more correspondence from both crown lands and their lawyer.

Something is really wrong here and simply put.


Keith Russell

April 13, 2018
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LEASE

to

Rupert's Land Trading Company of Winnipeg.
PROVINCE OF NEWFOUNDLAND

Lease

Lieutenant-Governor.

LEASE

SECTION 12(2) OF THE CROWN LANDS ACT, CHAPTER 174 OF THE
REVISED STATUTES OF NEWFOUNDLAND, 1952

ELIZABETH THE SECOND, by the Grace of
God of the United Kingdom,
Canada and Her other Realms
and Territories QUEEN, Head
of the Commonwealth, Defender
of the Faith.

Deputy Attorney General.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE that We of Our special grace, certain
knowledge and mere motion have leased and demised and by
these Presents do for Us, Our Heirs and Successors, LEASE
AND DEMISE unto Rupert's Land Trading Company of Winnipeg at Happy Valley in the Electoral District of Labrador North in Our Province of Newfoundland (hereinafter called the "Lessee" which expression shall where the context so admits include the successors and assigns of the Lessee) ALL THAT piece or parcel of land situate and being at Happy Valley aforesaid in the Electoral District of Labrador North and being Lot F-40 as the said Lot is so designated and delineated on the plan of Happy Valley Land Lots in the Department of Mines, Agriculture and Resources abutted and bounded as follows, that is to say: Beginning at the point of intersection of the southerly limit of Hamilton River Road with the westerly limit of Grand Street Extension; thence running along the said westerly limit of Grand Street Extension south eight degrees ten minutes east one hundred and eleven feet; thence running by Lot F-41 south eighty-five degrees twenty-six minutes west one hundred and twenty-three feet; thence turning and running north eight degrees ten minutes west one hundred and three feet; thence running along the aforesaid so uthery limit of Hamilton River Road north eighty-one degrees fifty minutes east one hundred and twenty-three feet more or less to the point of beginning and being of the dimensions specified in the plan or diagram annexed hereto (which plan or diagram forms part and parcel of these Presents) and containing an area of 1 rood and 8 perches; all bearings are referred to the true meridian TO HAVE AND TO HOLD the same TOGETHER WITH the appurtenances thereto belonging or in anywise appertaining thereto unto
the Lessee for the full end and term of fifty years from
the date of these Presents SUBJECT to the reservation, terms
and conditions in these Presents contained YIELDING AND
PAYING unto Us as the price and consideration of this lease
the sum of two dollars ($2.00) per year, payable in advance
on the 7th day of July in each year, the first
payment to be made on the execution of these Presents.

THERE ARE EXCEPTED AND RESERVED out of this present
lease, to Us, Our Heirs and Successors, all minerals, quarry
materials, coal, natural gas, oil and salt, in and under the
said piece or parcel of land.

PROVIDED always that this lease is subject to the
following terms and conditions:

1. The said piece or parcel of land shall be holden
upon, under and subject to all regulations under
and conditions of The Crown Lands Act, and to
such regulations as are now in force, or which may
at any time hereafter be made by law for the
improvement or cultivation of lands within Our
Province of Newfoundland and subject to all such
regulations as are now in force, or which may at
any time hereafter be made by law, for making
roads, sewers, drains, canals, bridges or other
public works or improvements within Our said
Province, or any part thereof, and for subjecting
any land therein situate, or the owners and
occupiers of such land, to rates and assessments,
or other duties and services, for the purposes
aforesaid, or for any of them; AND that the Lessee, its successors and assigns shall at all times peaceably quit and deliver up possession to Us, Our Heirs and Successors of all such parts of the said piece or parcel of land as may be required for the purposes aforesaid or any of them upon receiving such compensation (if any) as by any law now in force, or hereafter to be made in that respect may be provided.

2. The Lessee must erect upon the said demised land within two years from the date of these Presents a power house and three warehouses and these erections must be in accordance with a permit approved by the Minister of Municipal Affairs and Supply and issued or to be issued by the Town of Happy Valley.

3. If Condition 2 herein has been complied with, then the Lessee must report and is hereby required to report in writing to Our Minister of Mines, Agriculture and Resources before or at the expiration of two years from the date of these Presents that he has constructed the Buildings in the manner required by Condition 2 herein.

4. Except with the consent in writing of Our Minister of Municipal Affairs and Supply the said piece or parcel of land may not be used for any purpose not essential for the erection and operation of the power house and warehouses and these Buildings may not be used for any purpose other than that for which this lease is issued.
and the terms "power house and warehouses" shall be as defined by the Minister of Municipal Affairs and Supply when and if the occasion arises where such a definition is necessary.

5. The Lessee must in erecting the Buildings conform to the provisions of any statute, order or regulation or planning scheme applicable thereto.

6. The Lessee must not sell or dispose of any earth clay gravel or sand from the piece or parcel of land hereby leased or permit the same to be removed or make any excavation except so far as the same may be necessary for the erection of the Buildings provided that the Lessee may use for the purpose of the Buildings any of the beforementioned substances which it may be necessary to excavate.

7. The Lessee must not assign or underlet or part with possession of the said piece or parcel of land or the Buildings or any part of the said piece or parcel of land or the Buildings without the previous consent in writing of Our Minister of Mines, Agriculture and Resources.

8. The Lessee must repair and keep and is hereby required to repair and keep the said piece or parcel of land and the Buildings and every part thereof and all other buildings and erections which at any time during the term of this lease may be upon any part of the said piece or parcel of land in a good state of repair throughout the term of this lease and
to keep the Buildings and other buildings in good appearance.

9. The Lessee must permit and is hereby required to permit any person authorized by Our Minister of Mines, Agriculture and Resources at all reasonable times to enter upon and to examine the condition of the said piece or parcel of land and the Buildings and Our said Minister may serve upon the Lessee notice in writing specifying any repairs necessary to be done and require the Lessee to execute the same within twenty days after the service of such notice.

10. The Lessee may not make any alterations in the Buildings or erect any new buildings on the said piece or parcel of land without the approval in writing of Our Minister of Municipal Affairs and Supply and in accordance with a permit issued or to be issued by the Town of Happy Valley and approved or to be approved by Our Minister of Municipal Affairs and Supply and all such alterations and erections may be made in conformity with such permit.

11. The Lessee must and is hereby required to insure the Buildings against loss or damage by fire to their insurable value.

12. The Lessee in the event that the Buildings or any part thereof being destroyed or damaged as aforesaid shall at its option either

(a) rebuild or reinstate the same to the satisfaction of Our Minister of Municipal Affairs and Supply
in accordance with a permit referred to in
Condition 2 hereof or in such other manner as shall
be previously approved in writing by Our said
Minister it being hereby agreed that all the moneys
to be received by virtue of any such insurance as
aforesaid shall be applied so far as the same shall
extend in so rebuilding and reinstating the Build-
ings and in case the same shall be insufficient
for that purpose then the Lessee shall make up the
deficiency out of its own moneys
or (b) terminate the lease and surrender the demised
premises to Us, Our Heirs and Successors.

13. The Lessee must not do or permit or suffer to be done
anything in or upon the said piece or parcel of land
or the Buildings or any part of the said piece or
parcel of land or the Buildings which may be or become
a nuisance annoyance or cause damage or inconvenience
to the neighbourhood or whereby any insurance for the
time being affected on the Buildings may be rendered
void or voidable.

14. The Lessee must and is hereby required to keep the said
piece or parcel of land and the Buildings in a clean
and sanitary condition to the satisfaction of Our
Minister of Mines, Agriculture and Resources.

15. The Lessee must and is hereby required to keep upon
the said piece or parcel of land or in the Buildings
in good operating condition throughout the term of
this lease such fire fighting equipment as may be prescribed by law or as may be prescribed from time to time by Our Minister of Mines, Agriculture and Resources, such equipment to be maintained with the view to preventing the start of domestic and forest fires.

16. The Lessee must and is hereby required to place and maintain boundary markers on the boundaries of the said land.

AND it is further provided that only one year's rental may be paid in any calendar year and that payment of annual rental shall not prevent this lease from becoming null and void if the Lessee its successors and assigns shall make default in any other provision or condition of this lease, and alternatively, this lease shall not become null and void for non-payment of annual rental unless the rental which is due and payable remains unpaid for sixty days after it has been demanded, in writing, by Our Minister of Mines, Agriculture and Resources and Our said Minister may demand the rental which is due and payable at any time and all rentals due and payable to the date of the demand shall become due and payable as demanded to that date and if the said rental is not paid as demanded within that period this lease shall be null and void and the land hereby leased, shall revert to Us Our Heirs and Successors.
AND it is further provided that in case the Lessee, its successors and assigns shall make default in the performance of any of the provisions or conditions herein contained (other than payment of annual rental) then this lease shall be null and void, and the land hereby leased shall revert to Us, Our Heirs and Successors.

AND it is further provided that in case the Lessee, its successors and assigns shall fail to bona fide use the demised premises for the purposes for which this lease is issued for a period of five consecutive years then at any time thereafter Our Minister of Mines, Agriculture and Resources may declare this lease to be null and void and upon such declaration being made by Our said Minister this lease shall be null and void and the land hereby leased, shall revert to Us, Our Heirs and Successors.

GIVEN under the Great Seal of Our Province of Newfoundland this 11th day of May, in the year of Our Lord One thousand nine hundred and sixty-five and in the Fourteenth year of Our Reign.

WITNESS: Our trusty and well-beloved the Honourable Fabian O'Dea, one of Our Council learned in the Law, Commander on the Retired List of Our Naval Reserve, Lieutenant-Governor in Our Province of Newfoundland.
AT OUR GOVERNMENT HOUSE in Our City of St. John's, this 7th day of May in the year of Our Lord one thousand nine hundred and sixty-five and in the Fourteenth year of Our Reign.

BY COMMAND

Deputy Minister of Provincial Affairs.

The Common Seal of Rupert's Land Trading Company of Winnipeg was hereunto affixed in the presence of:

[Signature]

RUPERT'S LAND TRADING COMPANY

[Signature]

[Signature]

This lease was issued by me the 7th day of May, A.D., 1965, under Section 12(2) of The Crown Lands Act, chapter 174 of The Revised Statutes of Newfoundland, 1952.

[Signature]

Minister of Mines, Agriculture and Resources.

- 10 -
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
TAB 7
BILL OF SALE

Between:

NWC GP INC., as general partner
of THE NORTH WEST COMPANY LP
77 Main Street
Winnipeg, Manitoba
R3C 2R1

(herein called the "Grantor")

- and -

KEITH NORMAN RUSSELL

(herein called the "Grantee")

In consideration of the sum of One Dollar ($1.00) of lawful money of Canada paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Parties agree to the following:

1. The Grantor absolutely transfers to the Grantee the following Chattel:
   A Wooden Frame Warehouse (herein called "Subject Building") located at
   83B Hamilton River Road, Happy Valley-Goose Bay, Labrador

2. The Subject Building is currently noted with the Town under account;
   2105-0370-0810

3. The Grantor covenants that:
   (i) The Grantor is now rightfully and absolutely possessed of the
       Subject Building and has the right to sell it;
   (ii) The Subject Building is free from any charge or encumbrance;

4. The Grantee hereby releases the Grantor from any and all liability, claims,
   damages, and costs in connection with the use, occupation or ownership
   of the Subject Building by the Grantee or its successor. Further, the
   Grantee agrees that it will indemnify the Grantor for all costs, damages,
   and claims, including all legal costs, suffered by the Grantor as a result
   of any claim, injury or damage to any person from, or arising out of the use
   or occupation of the Subject Building by the Grantee or its successor;
5. The Grantor makes no representation or warranty whatsoever with respect to quality or safety of the Subject Building and the Grantee agrees to take the Subject Building on an "as is where is" basis.

Dated Feb. 06/17

Keith Norman Russell
per:

Witness

NWC GP Inc., as general partner of THE NORTHWEST COMPANY LP
per:

Witness
TAB 8
March 1, 2017

Delivered by Registered Mail
North West Co. Inc.
77 Main Street
Winnipeg, MB
R3C 2R1

Attention: 83B Hamilton River Road, Happy Valley-Goose Bay

To Whom It May Concern:

This is an ORDER of the Town of Happy Valley—Goose Bay, Newfoundland and Labrador pursuant to section 404.(1)(f) of the Municipalities Act, 1999 regarding the property on 83B Hamilton River Road, Happy Valley-Goose Bay known as (the "Property").

The Property is in a dilapidated state and a public nuisance. On or before July 31, 2017, you are ordered to pull down, remove, fill in or otherwise destroy the building on the Property and restore the site to its original state. All such activity is to be in strict accordance with the Town of Happy Valley—Goose Bay Development Regulations and all applicable statutes and regulations for the safe and secure demolition and reinstatement of the Property.

This Order can be appealed (within 14 days of the service or posting of the Order) to a Provincial Appeal Board. Contact the Department of Municipal Affairs for Newfoundland and Labrador for more information at (709)729-3090 or visit website: http://www.ma.gov.nl.ca/ma/for/appeals.htm

Should you have any questions about this Order, please contact Anatolijs Venovcevs, GIS Technologist for an appointment at 896-2437.

Yours truly,

Wyman Jacque, Town Manager

HAPPY VALLEY-GOOSE BAY (TOWN)

Visit our website at www.happyvalley-goosebay.com
March 6, 2017

Town of Happy Valley-Goose Bay
PO Box 40 Station B
Happy Valley-Goose Bay Labrador, Newfoundland A0P 1E0

Attention: Wyman Jacque

Re: 83B Hamilton River Road, Happy Valley

Further to your letter of March 1, 2017 please be advised that the building was purchased by the following individual and no longer in The North West Company’s possession. You may want to contact this person with regards to any concerns.

Keith Norman Russell

Thank you.

Yours truly,

The North West Company
TAB 10
Newfoundland Labrador

MUNICIPAL RECOMMENDATION FORM FOR CROWN LANDS APPLICATIONS WITHIN MUNICIPAL AND PLANNING AREA BOUNDARIES

THIS FORM IS TO BE SUBMITTED WITH YOUR CROWN LANDS APPLICATION TO THE APPROPRIATE REGIONAL OFFICE. THIS FORM MUST BE RETURNED FULLY COMPLETED AND ACCOMPANIED BY MAPPING TO SCALE, SIGNED BY A PERSON AUTHORIZED TO ACT ON BEHALF OF THE MUNICIPALITY.

NAME OF APPLICANT
Monis Place Ltd.

MAILING ADDRESS
P.O. Box 211, Station C.

CITY/TOWN
Goose Bay, Labrador

PROVINCE
Nl

DATE OF APPLICATION
November 28, 2016

DIMENSIONS OF LAND
Frontage 85 meters

DEEPTH 30 meters

LOCATION OF LAND
23 B Hamilton River Road

TOR TO BE COMPLETED BY MUNICIPAL COUNCIL - PART B

DOES YOUR COMMUNITY HAVE
[ ] AN APPROVED MUNICIPAL PLAN
[ ] CONCEPT PLAN
[ ] NEITHER

ACCORDING TO THE DEVELOPMENT REGULATIONS THE AREA APPLIED FOR IS ZONED AS

[ ] Mixed Development

IS THE PROPOSED USE A
[ ] PERMITTED USE
[ ] DISCRETIONARY USE
[ ] A USE NOT INCLUDED IN THE DEVELOPMENT REGULATIONS

(ATTACH COPY OF ZONING MAP SHOWING LOCATION OF SITE)

DOES THE PROPOSED USE CONFORM TO THE STANDARDS AND CONDITIONS SET OUT IN THE DEVELOPMENT REGULATIONS?
[ ] YES
[ ] NO

DESCRIBE THE LAND USE

IN THE SURROUNDING AREA
[ ] RESIDENTIAL
[ ] COMMERCIAL
[ ] AGRICULTURE
[ ] UNUSED
[ ] OTHER

NORTH SIDE
COMMERCIAL

EAST SIDE
COMMERCIAL

SOUTH SIDE
RESIDENTIAL

WEST SIDE
RESIDENTIAL

IF THE PROPOSED USE WILL CONFLICT WITH EXISTING LAND USE IN THE GENERAL AREA, PLEASE EXPLAIN

INDICATE WHICH OF THE FOLLOWING MUNICIPAL SERVICES ARE AVAILABLE AT THE SITE
[ ] WATER AND SEWER
[ ] WATER ONLY
[ ] SEWER ONLY
[ ] NO SERVICES

DESCRIBE TYPE AND CONDITION OF THE ROAD TO THE SITE

IS THE ROAD PRESENTLY MAINTAINED YEAR ROUND
[ ] YES
[ ] NO

BY WHOM
COUNCIL
DEPT. OF TRANSP. AND WORKS
APPLICANT

WILL ROAD EXTENSION OR IMPROVEMENTS BE NEEDED IF THE APPLICATION IS APPROVED
[ ] YES
[ ] NO

IN THE OPINION OF THE COUNCIL
[ ] CROWN
[ ] PRIVATE
[ ] OWNERSHIP UNCLEAR

IF PRIVATE OR OWNERSHIP UNCLEAR, EXPLAIN IN COMMENTS BELOW ADDITIONALLY, IF SITE IS PRESENTLY OCCUPIED, PLEASE GIVE DETAILS.

CONTINUED ON PAGE 2
APPLICATION IS:

☐ APPROVED  ☒ REFUSED (GIVE REASONS)  ☐ APPROVED SUBJECT TO THE
FOLLOWING CONDITIONS

COMMENTS:

See Attached Letter

Brenda Lysa

SIGNATURE: DEPUTY DIRECTOR

Municipal Planner

DATE: Jan 23/17

INSTRUCTIONS:

A. APPLICANT:

1. This is not a Crown lands application form.
2. This form provides Council's recommendation only. A final decision on your application is the responsibility of this Department.
3. Complete Part A of this form and include an accurate sketch of the area requested or attach a map.
4. Submit this form and map to the office of the Council of the Town or Community in which the Crown lands you would like to obtain is located.
5. When the Council has completed its recommendation you may submit your application along with this approval form to the appropriate Government Service Centre or Regional Lands Office.
6. Upon delivery of a Crown Title, you are required to notify the Council.

B. MUNICIPAL COUNCIL:

1. Please complete this form and return it to the applicant. A copy may be taken for your records.
2. Attach mapping to scale outlining the lands being applied for. Sign and date the mapping.
3. This form must be completed for all requests for Crown lands within your Municipal planning area or Municipal boundary.
4. If you have any questions on the proposed development, please contact the applicant directly.
5. Questions pertaining to the processing of applications may be made to the nearest Regional Lands Office.
6. The Department reserves the right to accept an application without an approved Municipal Recommendation Form, where, in the opinion of the Department, the Recommendation Form had not been processed by Council in a timely manner. In such cases, the Regional Lands Office will proceed with referrals in the normal manner, including a referral to the Municipality.

REGIONAL LANDS OFFICES

Department of
Municipal Affairs
Eastern Regional Lands Office
Howley Building, St. John's
P.O. Box 8700
St. John's, NL A1E 4J6
Telephone: (709) 722-2654
Facsimile: (709) 722-0726

Department of
Municipal Affairs
Central Regional Lands Office
250 Airport Boulevard, St. John's
Mall, P.O. Box 2228 Connaught, NL A1B 2W9
Telephone: (709) 255-1490 Facsimile: (709) 255-1098

Department of
Municipal Affairs
Western Regional Lands Office 1st Level, Sir Richard exp. Building
P.O. Box 2006
Corner Brook, NL A2H 6Z8
Telephone: (709) 637-2392 Facsimile: (709) 637-8032

Department of
Municipal Affairs
Labrador Regional Lands Office
2 Tenth Street
P.O. Box 3914, Stn. "B"
Happy Valley-Goose Bay, NL
A9P 1G9
Telephone: (709) 895-2488
Facsimile: (709) 896-5566
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
This referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies on the attached schedule. **YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION.**

Please be advised that the site on the attached map cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

**APPLICATION FOR CROWN LANDS - REFERRAL**

**Applicant:** [Redacted]

**Telephone:** [Redacted] (O): [Redacted]

**Application Number:** 130953

**Application Type:** Grant

**Purpose:** Section 4

**Use:** Extension to Private Property

**Location:** Happy Valley-Goose Bay

**Area (hectares):** 0.5

**Frontage (metres):** 15

**Map Number:** 13F8-137

**Comments:**

**RECOMMENDATION:**

[ ] Approval  [X] Refusal  [ ] Held for further investigation

**COMMENTS:**

Please see attached.

[Signature]

(709) 896-2437  March 1, 2017  Phone No.  Date

Please Return Only The Cover Sheet With Recommendations And Any Attachments You May Have.
March 1, 2017

Re: Crown Land Application located at 83B Hamilton River Road, Happy Valley-Goose Bay, NL

Your application for Crown Land located at 83B Hamilton River Road was received at the town office.

At the 71st meeting of Town Council held on February 28, 2017, your application was denied for the following reasons;

1) Parking requirements for Green Leaf and Dr. Scriven's office.
2) 85A Hamilton River Road need road access.
3) More information is needed about the property boundaries of 83, 85, and 85A Hamilton River Road for the council to make an appropriate decision regarding the property.

If you have any questions or concerns, please feel free to contact me at 896-2437.

Regards,

Anatolij Venovcjevs
GIS Technologist
**APPLICATION FOR CROWN LANDS**

**FOR DEPARTMENT USE ONLY**

<table>
<thead>
<tr>
<th>APPLICATION NO.</th>
<th>RECEIPT NO.</th>
<th>FILE NO.</th>
<th>AMOUNT</th>
<th>DATE REGISTERED</th>
<th>INDICATED ON PLAN NO.</th>
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**APPLICANT INFORMATION**

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<thead>
<tr>
<th>SURNAME</th>
<th>GIVEN NAME</th>
<th>MIDDLE NAME</th>
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<tbody>
<tr>
<td>Russell</td>
<td>Keith</td>
<td>Normandy</td>
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</tbody>
</table>

**BUSINESS TELEPHONE**

<table>
<thead>
<tr>
<th>709 -</th>
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ARE YOU A RESIDENT OF THE PROVINCE OF NEWFOUNDLAND AND LABRADOR? [X] YES [NO]
ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF MUNICIPAL AFFAIRS? [NO]

HAVE YOU, YOUR SPOUSE, OR ANY DEPENDENT CHILDREN EVER APPLIED FOR, OR RECEIVED LAND FROM THE CROWN? [NO]

**PROPOSED TENURE AND USE**

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>LEASE</th>
<th>GRANT</th>
<th>LICENCE TO OCCUPY</th>
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<tr>
<td>RESIDENCE</td>
<td>[X]</td>
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<td>COTTAGE</td>
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<td>AQUACULTURE</td>
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<tr>
<td>COMMERCIAL</td>
<td>[X]</td>
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</table>

**DESCRIPTION OF THE PROPOSED USE**

Expansion of existing business for storage and parking.
K.B. Greenleaf is the adjacent business and property area requiring.

**DESCRIPT Fecha:**

<table>
<thead>
<tr>
<th>DIMENSIONS: LENGTH</th>
<th>WIDTH</th>
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**PROPOSED WATER AND SEWAGE FACILITIES**

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<thead>
<tr>
<th>WELL</th>
<th>SEPTIC</th>
<th>MUNICIPAL WATER</th>
<th>MUNICIPAL SEWER</th>
<th>OTHER</th>
</tr>
</thead>
</table>
LAND DESCRIPTION

1. THE LAND IS SITUATED AT Hamilton River Road, Goose Bay. (See map attached.)

IN THE ELECTORAL DISTRICT OF Lake Melville

2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES? ☑ YES ☐ NO

3. APPROXIMATE DIMENSIONS OF THE LAND
FRONTAGE 284 ft. metres DEPTH 300 metres

4. DISTANCE TO CLOSEST WATERBODY 55 metres NAME OF WATERBODY Churchill River

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? 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.

BOUNDED ON NORTH BY Hamilton River Road.

BOUNDED ON SOUTH BY Cozen Grant Vol. 182. Folio 66

BOUNDED ON EAST BY Cozen Grant Vol. 124 Folio 150

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. ONLY THEN WILL THE APPLICATION BE ACCEPTED AND DEEMED REGISTERABLE BY THIS DEPARTMENT.
AFFIDAVIT OF APPLICANT (to be read carefully)

______________________________ 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 I 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 GRANT, LEASE, LICENCE OR EASEMENT AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me
At Happy Valley - Goose Bay this 20th day of January 2017

________________________________________
Official Administering Oath

[Redacted]

Applicant's Signature

NOTE: A non-refundable fee of TWENTY DOLLARS ($20.00) must accompany this application.

[Redacted]

December 31, 2017

Newfoundland Exchequer Account
### SUMMARY OF AGENCY REFERRALS

<table>
<thead>
<tr>
<th>Department/Division</th>
<th>Approved</th>
<th>Refused</th>
<th>Comments Attached</th>
<th>Date Sent</th>
<th>Date Received</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
Special Conditions of Approval:


Date

Regional Lands Manager


Special Title Conditions:


Date

Regional Lands Manager
TOWN OF HAPPY VALLEY-GOOSE BAY
P.O. Box 40, Station B
Happy Valley-Goose Bay NL
A0P 1E0

This referral has been sent to you for your recommendation. Other referrals have been
sent to the Department(s) and/or agencies on the attached schedule. YOU HAVE
TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO
PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION.

Please be advised that the site on the attached map cannot be altered or relocated in any
way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS - REFERRAL

Applicant: KEITH NORMAN RUSSELL

Telephone: Application Number: 151403
Application Type: Grant
Purpose: Section 4 Use: Storage and Parking
Location: Happy Valley-Goose Bay
Area (hectares): 0.07
Frontage (metres): 22
Map Number: 13F8-137
Comments:

RECOMMENDATION:

_____ Approval     _____ Refusal     X Held for further investigation

COMMENTS:

All crown land applications within town boundaries need to be investigated and approved by
the council before municipal approval can be granted.

Signature: 709-896-2437   March 31, 2017
Phone No. Date

Please Return Only The Cover Sheet With Recommendations And Any Attachments You May Have.
Newfoundland Labrador

Government of Newfoundland and Labrador
Department of Fisheries and Land Resources

Lands Branch
Labrador Regional Lands Office

MAR 31, 2017

In Reply Please Quote
File Reference No

4008612

TOWN OF HAPPY VALLEY-GOOSE BAY
P.O. Box 40, Station B
Happy Valley-Goose Bay NL
A0P 1E0

This referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies on the attached schedule. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION.

Please be advised that the site on the attached map cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS - REFERRAL

Applicant: KEITH NORMAN RUSSELL

Telephone: 
Application Number: 151403
Application Type: Grant
Purpose: Section 4 Use: Storage and Parking
Location: Happy Valley-Goose Bay
Area (hectares): 0.07
Frontage (metres): 22
Map Number: 13F8-137
Comments:

RECOMMENDATION:

X Approval

Comments:

Please see attached.

Signature 709-896-2437 May 24, 2017

Please Return Only The Cover Sheet With Recommendations And Any Attachments You May Have.
May 24, 2017

Keith Norman Russell

Dear Mr. Russell,

Re: Crown Land Application located at 83B Hamilton River Road, Happy Valley-Goose Bay, NL

Your application for Crown Land located at 83B Hamilton River Road was received at the town office.

At the 76th meeting of Town Council held on May 23, 2017, your application was denied because it interferes with the Green Leaf property at 83 Hamilton River Road and road access for the

If you have any questions or concerns, please feel free to contact me at 896-2437.

Regards,

Anatolij Venovcevs
GIS Technologist

Visit our website at www.happyvalley-goosebay.com
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies as per the List of Referrals document included in the e-referral. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

Please be advised that the site on the map, also included in the e-referral, cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0

Telephone: (O): S.40(1)
Application Number: 151879
Application Type: Grant
Purpose: Section 4 Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 13F8-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/28/2017
Department/Agency: HVGB
Address: 212 HRR

RECOMMENDATION: Refusal (add comments)

COMMENTS: Denied for the following reasons:

- There are multiple competing interests in that property and the town is currently attempting to figure out the best, suitable, and appropriate plan for that area of town.
- The applicant already has an easement to the house and plenty of existing car parking behind their building.

Name of Respondent: Brian Johnson
Phone No.: 709 896 3593

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
TAB 11
or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Town and shall put the site in a clean and sanitary condition to the satisfaction of the Town.

17. **Form of Application**

(1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.

(2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. **Register of Application**

The Town shall keep a public register of all applications for development, and shall enter therein the Town's decision upon each application and the result of any appeal from that decision.

19. **Deferment of Application**

(1) The Town may, with the written agreement of the applicant, defer consideration of an application.

(2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

20. **Approval in Principle**

(1) The Town may grant approval in principle for a subdivision or any other development if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development
garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

**MOBILE HOME SUBDIVISION** means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.

**NON-CONFORMING USE** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

**OWNER** means a person or an organization of persons owning or having the legal right to use the land under consideration.

**PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

**PIT AND QUARRY WORKING** carries the same meaning as Mineral Working.

**PRINCIPAL BUILDING(S)** means the building or buildings in which the primary use of the lot on which the building is located is conducted. This term is interchangeable with the term Main Building.

**PROHIBITED USE** means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

**REAR YARD DEPTH** means the distance between the rear lot line and the rear wall of the main building on the lot.

**RESTAURANT** means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

**ROW DWELLING** means a dwelling containing three or more dwelling units at ground level in one building, each unit separated vertically from the others.

**SEASONAL RESIDENCE** means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.
April 16, 2018

BETWEEN

Keith Russell

APPELLANT

AND

Town of Happy Valley – Goose Bay

RESPONDENT

RESPECTING

An Order of March 22, 2018 regarding a warehouse building on 83B Hamilton River Road, Happy Valley-Goose Bay Order

This acknowledges that an appeal has registered with the Labrador Regional Appeal Board on April 13, 2018. The Regional Appeal Boards are established in accordance with the Urban and Rural Planning Act, 2000 (the “Act”). In accordance with section 42(3) of the Act, the Board is responsible for making a decision in accordance with applicable plans, schemes and development regulations as it relates to the matter being appealed.

Appeal requirements

Section 42 of the Act outlines the jurisdiction the Board has regarding development decisions, specifically what can be appealed to this Board. As per section 42(5) of the Act, an appeal must be made in writing and shall include the following:

(a) a summary of the decision
(b) the grounds for the appeal
(c) the required fee.

Development shall not proceed

Please note that when an appeal is filed under section 42 of the Act, in accordance with section 45(1) of the Act all work related to the development under appeal shall not proceed. Section 45(1) states:

45(1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

Appeal process

The subject matter as stated will also be advertised in the appropriate newspaper. You will be notified of the time, place and date of your hearing not fewer than 7 days before the scheduled hearing and will receive an appeal package prior to the scheduled hearing containing the following:

- Appellant(s) submission;
- Authority(s) submission;
- technical and planning advice (completed by the Department’s Planner); and
- any other public submission(s).

Appeal fees

Under section 44(2) of the Act, the appeal fee paid by the appellant(s) to the board shall be retained by

O/o Department of Municipal and Intergovernmental Affairs, P.O. Box 8700, St. John's, NL, Canada A1B 4J6

Tel: 709-729-3090 Fx: 709-729-0477
that board. As per section 44(3) of the Act, if an appeal is successful, then the appeal fee will be paid to the appellant by the council, regional authority or authorized administrator that made the appealed decision.

Should you have any questions please contact the Secretary at 709-729-3088 or email rcotter@gov.nl.ca

Yours truly,

[Signature]

Robert Cotter
Secretary
Newfoundland Regional Appeal Boards

Copy to: Town of Happy Valley-Goose Bay
Hi,

Please review the attached information and acknowledgement letters regarding an appeal submitted to the Labrador Regional Appeal Board this afternoon via email.

Kind regards,

Robert Cotter
Secretary
NL Appeal Boards
729 3088
Regional Appeal Boards
c/o Department of Municipal Affairs & Environment,
Government of Newfoundland Labrador

APPEAL SUMMARY FORM

- Your appeal and fee must be filed with the Regional Appeal Board (Attention: Robert Cotter) at the address below within the 14 day appeal period.
- The following information is required. With this form, you must submit:
  - a copy or summary of the decision being appealed
  - statement outlining the grounds for your appeal
  - appeal fee $200.00 plus HST (total $230.00)

In providing the documentation, please check the items indicating that they are submitted with this appeal form.

All information submitted will become part of a public appeal process.

1. (Please check one of the following) Did you,
   - submit a development or building application to the Authority.
   - receive an Order;
   - an interested third party.

Or, are you

2. I am appealing a decision made under (please check one)
   - Town of Happy Valley Goose Bay Municipal Plan and Development Regulations.
   - Interim Development Regulations
   - Local Area Plan
   - Protected Road Zoning Regulations
   - S. 194 or 404 of the Municipalities Act
   - S. 240 of the City of Mount Pearl / Corner Brook Acts

3. What decision are you appealing? (please check one)
   - Approval
   - Refusal
   - Order
   - Conditions of an Approval

4. What is the street address of the subject property/development? 1 ST LAURENT DRIVE

5. When did the Authority make its decision? 30/07/18
   Day Month Year

6. When did you receive notification of this decision? 30/07/18
   Day Month Year

7. Please include any documentation from the authority related to the appeal.

INCLUDED

Name: 9163158 CANADA INC
Telephone: 647-830-8771
Fax: E-Mail: [email protected]@HOTMAIL.COM

Mailing Address: 9163158 CANADA INC
801-5580 SHEPPARD AVE EAST
SCARBOROUGH, ON
Postal Code: M1B 2L3

I certify that the information provided above is true to the best of my knowledge and belief.

Name: AKM MOYNUL HABBE (Please Print)
Signature: 01/08/18
Day Month Year

This information is being collected for the purposes of determining and administering an appeal in accordance with
Section 42(8) of the Urban and Rural Planning Act, 2000 and the Development Regulations (CNLR 3/01).

This information will be managed in compliance with the Access to Information and Protection of Privacy Act.
Aug 01, 2018

To,

Regional Appeal Board
c/o Department of Municipal Affairs & Environment,
Government of Newfoundland and Labrador

Dear Sir/Madam,

This letter is concerning "Stop Work Order" issued to:

1 St. Laurent Drive
Property number: 2105-0740-1-0010
Account number: 081-766
Happy Valley-Goose Bay, NL

We have been operating a Data Centre business in the above mentioned property since 2017. Change of use of property and business has been registered with the town of HVGB. Business tax invoice issued and paid for 2017. Business tax invoice issued for 2018. All regulatory requirement information has been conveyed to us and we are in the process of getting all of them completed gradually.

We were blindsided by the sudden decision by the council to change the zoning requirement for our operation. And because some major regulatory permits are yet to be applied, we are not permitted to operate in the current zone where our operation is located.

I am requesting the Regional Appeal Board to review our situation and grant us the opportunity to complete the remaining regulatory requirements and allow us to operate in our existing location and serve our clients and bring economic opportunity to the region. If for any reason the Regional Appeal Board decides to decline our appeal, I would request the Regional Appeal board to grant us sufficient time to operate in the existing location in order to find and lease or build a suitable location where we can relocate in a orderly fashion. If we can find an existing building then it may take 6 months from the appeal decision to formalize a lease, complete regulatory permits, complete renovation and all electrical and HVAC construction and make the move. If we have to undertake a fresh build from a bare land it may take 12 months to erect a structure, permits, electrical, HVAC construction and move.

Please let us know if you have any questions or need additional information.

Best regards,

[Akm Moynul Haque]

[Redacted email address]

801-5580 Sheppard Ave East
Scarborough, ON M1B2L3
LABRADOR REGIONAL APPEAL BOARD

August 2, 2018

BETWEEN

9163158 Canada Inc, c/o Akm Moynul Haque APPELLANT

AND

Town of Happy Valley Goose-Bay RESPONDENT

RESPECTING Order on 1 St. Laurent Drive, Happy Valley-Goose Bay

This acknowledges that an appeal has registered with the Labrador Regional Appeal Board on August 2, 2018. The Regional Appeal Boards are established in accordance with the Urban and Rural Planning Act, 2000 (the "Act"). In accordance with section 42(3) of the Act, the Board is responsible for making a decision in accordance with applicable plans, schemes and development regulations as it relates to the matter being appealed.

Currently, information is being received/collected for the purposes of preparing appeal packages with respect to the above-noted appeal in accordance with section 42 of the Urban and Rural Planning Act, 2000. Prior to the hearing of an appeal, the Department of Municipal Affairs and Environment ("MAE") is unable to release information provided by parties to the appeal.

All information submitted to MAE prior to an appeal is managed in compliance with the Access to Information and Protection of Privacy Act ("ATIPPA").

Appeal requirements

Section 42 of the Act outlines the jurisdiction the Board has regarding development decisions, specifically what can be appealed to this Board. As per section 42(5) of the Act, an appeal must be made in writing and shall include the following:

(a) a summary of the decision
(b) the grounds for the appeal
(c) the required fee.

Development shall not proceed

Please note that when an appeal is filed under section 42 of the Act, in accordance with section 45(1) of the Act all work related to the development under appeal shall not proceed. Section 45(1) states:

45(1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

Appeal process

The subject matter as stated will also be advertised in the appropriate newspaper. You will be notified of the time, place and date of your hearing not fewer than 7 days before the scheduled hearing and will receive an appeal package prior to the scheduled hearing containing the following:

- Appellant(s) submission;

C/o Department of Municipal and Intergovernmental Affairs, P.O. Box 8700, St. John's, NL, Canada A1B 4J6

Tel: 709-729-3090 Fax: 709-729-0477

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• Authority(s) submission;
• technical and planning advice (completed by the Department’s Planner); and
• any other public submission(s).

Appeal fees
Under section 44(2) of the Act, the appeal fee paid by the appellant(s) to the board shall be retained by that board. As per section 44(3) of the Act, if an appeal is successful, then the appeal fee will be paid to the appellant by the council, regional authority or authorized administrator that made the appealed decision.

Should you have any questions please contact the Secretary at 709-729-3088 or email rcottw@gov.nl.ca

Yours truly,

[Signature]

Robert Cotter
Secretary
Newfoundland Regional Appeal Boards

Copy to: Town of Happy Valley-Goose Bay
LABRADOR REGIONAL APPEAL BOARD

August 2, 2018

BETWEEN 9163158 Canada Inc, c/o Aknul Haque APPELLANT

AND Town of Happy Valley Goose-Bay RESPONDENT

RESPECTING Order: 1 St. Laurent Drive, Happy Valley-Goose Bay

Dear Respondent:

This is to inform you that an appeal was registered with the Labrador Regional Appeal Board on August 2, 2018. Enclosed is a copy of the appellant’s submission appeal initiated against the Town.

The Board is bound by section 42 of the Urban and Rural Planning Act, 2000 (the “Act”), which outlines matters that the Board can hear. The Board may determine that an appeal is invalid if the matter is outside its jurisdiction. Therefore, please indicate below in the appropriate box what the decision being appealed is with respect to:

☐ an application to undertake a development;
☐ a revocation of an approval or a permit to undertake a development;
☐ the issuance of a stop work order; and
☐ a decision permitted under this or another Act to be appealed to the board.

The following information is required within 15 days of receipt of this letter. In providing the documentation, please check the items and return this check list along with your submission. The information being collected for the purposes of determining and administering an appeal in accordance with Section 42(8) of the Urban and Rural Planning Act, 2000 and the Development Regulations (CNLR 3/01). Take caution when releasing private information. To distinguish the authority’s documents, please page number the submission. Electronic submissions is encourage to the secretary rccottier@gov.nl.ca

☐ a letter outlining the chronological order of events that lead to the decision being appealed omitting other personal information,
☐ a copy of the Authority’s development decision letter
☐ a copy of all council minutes only relating to the matter
☐ a location plan and zoning map indicating the proposed site and/or pictures
☐ a copy of the development application and any supporting information provided by the appellant/developer; do not include letters of support or objections but a statement that council considered such input if applicable
☐ a copy of any comments, approvals or recommendations made by any other Government department or public body
☐ any other relevant correspondence together with a statement outlining any further action taken by the Authority
☐ a list of persons (include mailing addresses) whom the Authority considers particularly affected by this decision and who should be notified

c/o Department of Municipal Affairs, P.O. Box 8700, St. John’s, NL Canada A1B 4J6 Tel: 709-729-3090 Fax: 709-729-0477

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copy all information to the appellants as identified on appeal form or representative

When an appeal is filed under section 42 of the Act, in accordance with section 45(1) of the Act, all work related to the development under appeal shall not proceed. Section 45(1) states:

45(1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

Please take note of section 8 of the Minister’s Development Regulations, 2000, which states:

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

The authority should ensure that this requirement is enforced and inform any other party that is affected.

Currently, information is being received/collected for the purposes of preparing appeal packages with respect to the above-noted appeal in accordance with section 42 of the Urban and Rural Planning Act, 2000. Prior to the hearing of an appeal, the Department of Municipal Affairs and Environment ("MAE") is unable to release information provided by parties to the appeal.

All information submitted to MAE prior to an appeal is managed in compliance with the Access to Information and Protection of Privacy Act ("ATIPPA").

Yours truly,

[Signature]

Robert Cotter, Secretary
Newfoundland Regional Appeal Board

Copy to: appellant(s).