

Final Response

May 29, 2019

Dear Applicant:

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR-38-2019**

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On April 30, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“I would like to obtain [REDACTED]’s original application for Crown Lands in Big River, Lake Melville, Happy Valley-Goose Bay, Labrador.”**

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Redactions have been made under *Section 40 – Personal Privacy of the Access to Information Protection of Privacy Act (ATIPPA)*. You will find a copy of responsive material attached.

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

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

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P.O. Box 13004, Stn. A  
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that this letter will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement’s website within one business day following the applicable period of time. Please note that requests for

personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-637-2354 or by email at [Lisaneville@gov.nl.ca](mailto:Lisaneville@gov.nl.ca) .

Sincerely,



Lisa Neville  
ATIPP Coordinator

### **Right of access**

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25 , of the costs of reproduction, shipping and locating a record.

### **Access or correction complaint**

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

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

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

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

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

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

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

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

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

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

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

### **Direct appeal to Trial Division by an applicant**

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

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

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

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

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

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

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All redactions on this page fall under S40(1)

DEPARTMENT OF FOREST RESOURCES AND LANDS

Application No. 72097

APPLICATION FOR CROWN LAND

File No. 945

First Name [redacted] Middle Name [redacted] Family Name [redacted]

Post Office Address HAPPY VALLEY, LABRADOR Postal Code [redacted]

Telephone No. [redacted] Age [redacted]

(1) Are you a resident of the Province of Nfld.? Yes  No

(2) Are you an employee of the Department of Forest Resources and Lands? Yes  No

(3) The land is situated at BIG RIVER in the Electoral District of NASCAUPI

(4) Indicate purpose for which land is required  
 Recreation Cottage  Agriculture  
 Residence  Commercial (Provide Details below)  
 Other (Give details below)

(5) If land is to be used for agriculture, check type of farming planned:  
Part-time farm  Commercial farm  Part-time commercial  Hobby   
(See brochure on Agriculture Leasing Policy for details).

(6) Describe type of farm (e.g. livestock, rootcrops, etc.) \_\_\_\_\_

(7) Distance to the nearest road \_\_\_\_\_ metres.

(8) Distance to the nearest water body 30 metres.

(9) Give approximate dimensions of land: Frontage \_\_\_\_\_ m Rearage \_\_\_\_\_ m

(10) Bounded by: North \_\_\_\_\_  
East \_\_\_\_\_  
South 13 G 12 MAR  
West \_\_\_\_\_

(11) Describe building(s) to be erected (if applicable)  
Length 16' Width 14' No. of stories 2

(12) State purpose for which building is to be used: RECREATION CABIN / FAMILY CAMPING

(13) Describe proposed water and sewage facilities (if applicable)  
OUT-HOUSE (HYDRATED LIME USE)

(14) Have you, your spouse, or any dependant children ever received land from the Crown?  
Yes  No  If yes, specify title No(s) MUNICIPAL GRANT AND PAST LEASE FOR CABIN.

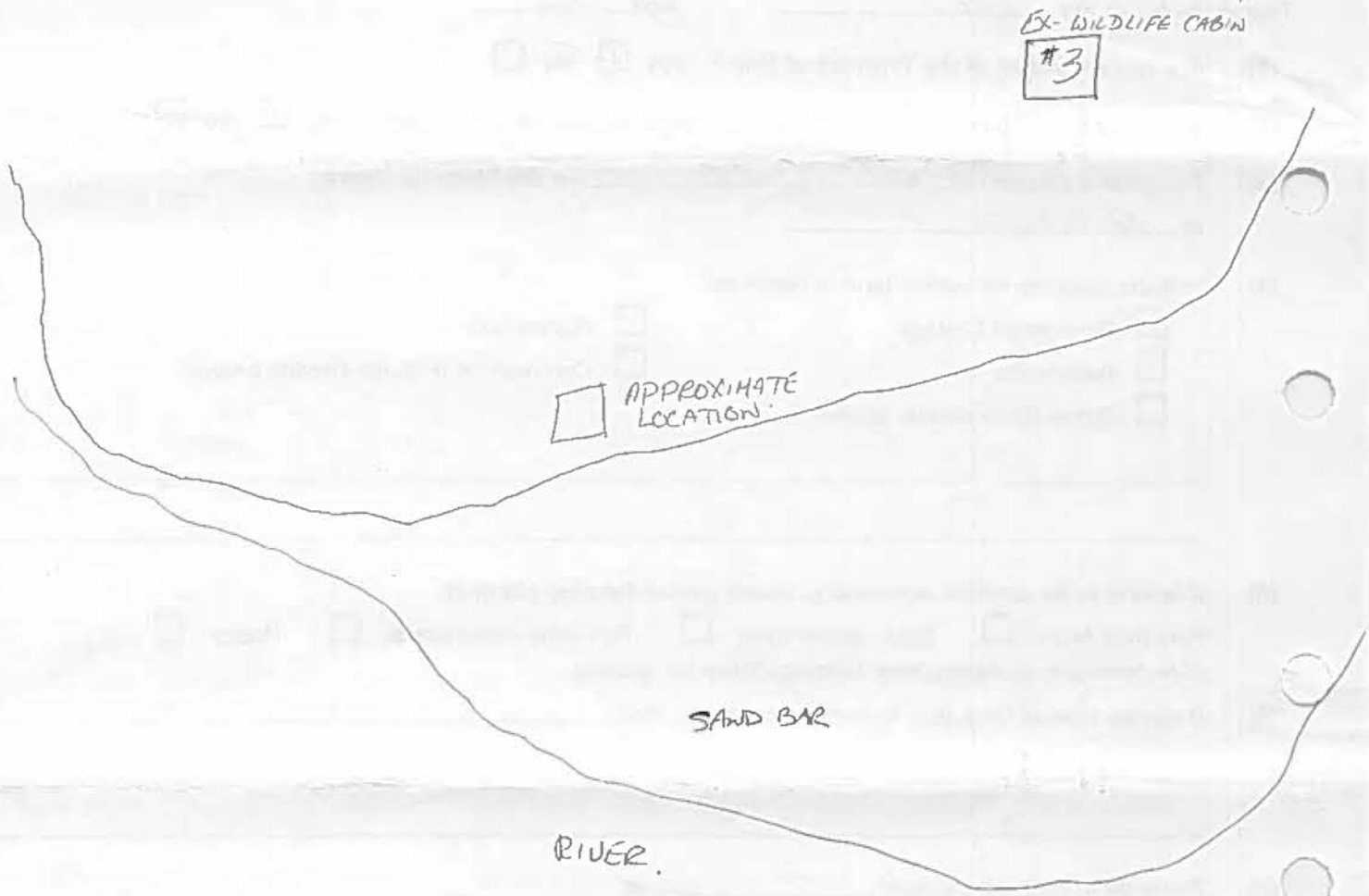
(15) Is there any evidence of adverse claim to the land, such as, fences, buildings, signs, clearing, etc.?  
Yes  No  If yes, provide details \_\_\_\_\_

\$ 50.00

NOTE: An application fee of [redacted] DOLLARS must accompany this application.

**SKETCH OF LAND**  
(Map must be enclosed)

Distance to prominent landmark such as a bridge or road intersection must be provided. (Nearby buildings, fences, etc., must be shown).



**AFFIDAVIT OF APPLICANT**

(to be read carefully)

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

- (1) That the information contained in this application is true and correct to the best of my knowledge and belief.
- (2) That I have inspected the land applied for and have found no evidence of occupation or development.
- (3) That I am not aware of any adverse claim to the land applied for, valid or otherwise, by any person(s).
- (4) THAT I FULLY UNDERSTAND THAT THE LAND IS NOT TO BE OCCUPIED UNTIL I RECEIVE A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me

at HAOPY VALLEY - GOOSE BAY

this 28<sup>TH</sup> day of JUNE 19 84.

*[Handwritten Signature]*

Official Administering Oath *[Signature]* Justice of the Peace.