

Email: [REDACTED]

October 9, 2019

CONFIDENTIAL

Dear [REDACTED]:

Re: Access to Information Request #2019-047 – 221 Winnipeg St. N. (4)

This is further to your access to information request received by the City on August 6, 2019, amended as follows:

“Time Period – January 1, 2014 to August 5, 2019

1. Any correspondence including mail and/or emails both internal and external to or from: Ben Mario, Fred Searle, Darlene Loucks and/or Cheryl Willoughby regarding the zoning which was in affect, status of usage (whether legal or not) and possible rezoning of 221 Winnipeg Street North with;
 - a. Any real estate brokerage including, but not limited to: Steven Jordan of ICR Commercial Real Estate, John Pearson of ICI Properties (also representing Shindico), Mike Hogan of Cushman & Wakefield Regina and Michael Kelsey and/or Ryan Baby both of Colliers International;
 - b. Any real estate appraisers including, but not limited to Michael Parsons of Duff and Phelps Canada Limited;
 - c. The registered owner of the property 3346286 Manitoba Limited.
2. Any meetings held other than the Regina Planning Commission Meeting of August 2, 2018 and the City Council meeting held on August 27, 2018 regarding the rezoning which was in affect, status of usage (whether legal or not) and possible rezoning of 221 Winnipeg Street North.”

We have completed processing your access request and the remainder of the records relevant to the request are attached. Pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), some of the information contained in the attached has been redacted. The redaction is pursuant to:

- 13(1)(b) - Information in a record that was obtained in confidence from the Government of Saskatchewan or a government institution.
- 18(1)(a): Trade secrets of a third party.
- 18(1)(b)(c): Third party financial and commercial information supplied in confidence to the City which could reasonably be expected to interfere with contractual and/or other negotiations.
- 16(1)(a)(b): Advice, proposals, recommendations, consultations and deliberations involving officers or employees of the local authority.
- 16(1)(c): Positions, plans and instructions regarding contractual negotiations by or on behalf of the City.
- Non-responsive: Information that is not relevant and does not reasonably relate to the request.

I have included a copy of all above-noted sections of the Act.

On August 6, 2019 the City corresponded with you regarding overlapping records. Some of the records you requested overlapped with previous access to information requests submitted by you for 221 Winnipeg St. N. Duplicate records already provided to you in response to previous requests were not provided with this request.

If you wish to exercise your right to request a review of this decision, you may complete a Request for Review form and forward it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. A copy of this form can be found at <http://www.qp.gov.sk.ca/documents/Forms/L27-1R1-B.pdf> or you may contact the Saskatchewan Information and Privacy Commissioner at 306-787-8350.

Responses to requests may be published on the Regina Open Data website at the City's discretion. All information/data is handled in accordance with LA FOIP. Your identity as the applicant is protected. Published requests will be available on the Open Data website at <http://open.regina.ca/> a minimum of three business days following release to you.

If you have any questions, please contact Cindy Howden at 306-777-7263 or by email at lafoip@regina.ca.

Yours truly,



Jim Nicol
City Clerk

Enclosure(s)

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

7
e. L-27.1

(4) Where an application is made with respect to a record that is exempt from access pursuant to this Act, the head may refuse to confirm or deny that the record exists or ever did exist.

(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

1990-91, c.L-27.1, s.7.

Severability

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

1990-91, c.L-27.1, s.8.

Fee

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

(3) Where an estimate is provided pursuant to subsection (2), the time within which the head is required to give written notice to the applicant pursuant to subsection 7(2) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.

(4) Where an estimate is provided pursuant to subsection (2), the head may require the applicant to pay a deposit of an amount that does not exceed one-half of the estimated amount before a search is commenced for the records for which access is sought.

(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

1990-91, c.L-27.1, s.9.

Manner of access

10(1) Where an applicant is entitled to access pursuant to subsection 9(1), the head shall provide the applicant with access to the record in accordance with this section.

(2) A head may give access to a record:

- (a) by providing the applicant with a copy of the record; or
- (b) where it is not reasonable to reproduce the record, by giving the applicant an opportunity to examine the record.

(3) A head may give access to a record that is a microfilm, film, sound recording, machine-readable record or other record of information stored by electronic means:

- (a) by permitting the applicant to examine a transcript of the record;

10

c. L-27.1

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

Extension of time

12(1) The head of a local authority may extend the period set out in section 7 or 11 for a reasonable period not exceeding 30 days:

(a) where:

(i) the application is for access to a large number of records or necessitates a search through a large number of records; or

(ii) there is a large number of requests;

and completing the work within the original period would unreasonably interfere with the operations of the local authority;

(b) where consultations that are necessary to comply with the application cannot reasonably be completed within the original period; or

(c) where a third party notice is required to be given pursuant to subsection 33(1).

(2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.

(3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

1990-91, c.L-27.1, s.12.

PART III
Exemptions

Records from other governments

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

(a) the Government of Canada or its agencies, Crown corporations or other institutions;

(b) the Government of Saskatchewan or a government institution;

(c) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;

(d) the government of a foreign jurisdiction or its institutions; or

(e) an international organization of states or its institutions;

unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

(2) A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from another local authority or a similar body in another province or territory of Canada.

1990-91, c.L-27.1, s.13.

12

c. L-27.1

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

- (l) reveal technical information relating to weapons or potential weapons; or
 - (m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems.
- (2) Subsection (1) does not apply to a record that:
- (a) provides a general outline of the structure or programs of a law enforcement agency; or
 - (b) reports, by means of statistical analysis or otherwise, on the degree of success achieved in a law enforcement program.

1990-91, c.L-27.1, s.14; 2003, c.29, s.33 2017,
c.17, s.8.

Documents of a local authority

15(1) A head may refuse to give access to a record that:

- (a) contains a draft of a resolution or bylaw; or
- (b) discloses agendas or the substance of deliberations of meetings of a local authority if:
 - (i) an Act authorizes holding the meetings in the absence of the public; or
 - (ii) the matters discussed at the meetings are of such a nature that access to the records could be refused pursuant to this Part or Part IV.

(2) Subject to section 29, a head shall not refuse to give access pursuant to subsection (1) to a record where the record has been in existence for more than 25 years.

1990-91, c.L-27.1, s.15.

Advice from officials

16(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;
- (b) consultations or deliberations involving officers or employees of the local authority;
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
- (d) plans that relate to the management of personnel or the administration of the local authority and that have not yet been implemented; or
- (e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

14

c. L-27.1

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

- (d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the local authority;
 - (e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
 - (f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the local authority; or
 - (g) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person.
- (2) A head shall not refuse, pursuant to subsection (1), to give access to a record that contains the results of product or environmental testing carried out by or for the local authority, unless the testing was conducted:
- (a) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
 - (b) as preliminary or experimental tests for the purpose of:
 - (i) developing methods of testing; or
 - (ii) testing products for possible purchase.
- (3) The head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Provincial Health Authority Act* may refuse to disclose details of the academic research being conducted by an employee of the university, hospital or health centre, as the case may be, in the course of the employee's employment.
- (4) Notwithstanding subsection (3), where possible, the head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Provincial Health Authority Act* shall disclose:
- (a) the title of; and
 - (b) the amount of funding being received with respect to;
- the academic research mentioned in subsection (3).

1990-91, c.L-27.1, s.17; 2002, c.R-8.2, s.105;
2017, c.P-30.3, s.11-1.

Third party information

18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;

LOCAL AUTHORITY FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

15
c. L-27.1

- (c) information, the disclosure of which could reasonably be expected to:
 - (i) result in financial loss or gain to;
 - (ii) prejudice the competitive position of; or
 - (iii) interfere with the contractual or other negotiations of;
a third party; or
 - (d) a statement of a financial account relating to a third party with respect to the provision of routine services from a local authority.
- (2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.
- (3) Subject to Part V, a head may give access to a record that contains information described in clauses (1)(b) to (d) if:
- (a) disclosure of that information could reasonably be expected to be in the public interest as it relates to public health, public safety or protection of the environment; and
 - (b) the public interest in disclosure could reasonably be expected to clearly outweigh in importance any:
 - (i) financial loss or gain to;
 - (ii) prejudice to the competitive position of; or
 - (iii) interference with contractual or other negotiations of;
a third party.

1990-91, c.L-27.1, s.18.

Testing procedures, tests and audits

- 19 A head may refuse to give access to a record that contains information relating to:
- (a) testing or auditing procedures or techniques; or
 - (b) details of specific tests to be given or audits to be conducted;
- if disclosure could reasonably be expected to prejudice the use or results of particular tests or audits.

1990-91, c.L-27.1, s.19.

Danger to health or safety

- 20 A head may refuse to give access to a record if the disclosure could threaten the safety or the physical or mental health of an individual.

1990-91, c.L-27.1, s.20.