

Email: [REDACTED]

October 1, 2019

CONFIDENTIAL

[REDACTED]

Dear [REDACTED]:

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

This is to acknowledge receipt of your \$122.50 processing fee deposit received by the City on August 6, 2019 for your request 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.

The City is processing your access request and at this time will be releasing partial records relevant to the request. Pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP), some of the information has been redacted. The redactions are pursuant to the following sections of LA FOIP:

- 13(1)(b) - Information in a record that was obtained in confidence from the Government of Saskatchewan or a government institution.
- 15(1)(b) documents disclosing agendas or the substance of deliberations of meetings of a local authority,
- 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.
- 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.
- 28(1): Personal information of another person.
- Non-responsive: Information that is not relevant and does not reasonably relate to the request.

Following the October 9, 2019 deadline in the City Decision correspondence sent to you dated September 19, 2019, the City will correspond with you regarding the remaining records.

There is no amount outstanding for this access to information request as indicated below:

Fee Type	# of Staff	Fee Calculations			Fees
Paper records - Time required to search	4	0.3	hr(s)	\$30 /hr	\$9.00
Electronic records - Time to search for and review search results	4	3	hr(s)	\$30 /hr	\$90.00
Paper and Electronic records - Time to locate relevant info	4	1.8	hr(s)	\$30 /hr	\$54.00
Time required to prepare records for disclosure	1	2.4	hr(s)	\$30 /hr	\$72.00
<b>Subtotal:</b>					\$225.00
<b>Fees waived</b>					<b>-\$100.00</b>
<b>Total Actual Fees:</b>					<b>\$125.00</b>
<b>Less Deposit - (50% of Estimate):</b>					\$122.50
<b>Final Amount Owing</b>					<b>\$0.00</b>

As per previous correspondence provided to you August 6, 2019, some of the records you're requesting may overlap previous access to information requests submitted by you for 221 Winnipeg St. N. in which records were provided to you. Since overlapping may occur for this request, the City will not be providing duplicates of records already provided to you in previous requests.

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.

If you have any questions, please contact Cindy Howden at 306-777-7263 or by email at [lafoip@regina.ca](mailto:lafoip@regina.ca).

Yours truly,



Jim Nicol  
City Clerk

/clh

LOCAL AUTHORITY FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY

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**Response required**

7(1) Where an application is made pursuant to this Act for access to a record, the head of the local authority to which the application is made shall:

- (a) consider the application and give written notice to the applicant of the head's decision with respect to the application in accordance with subsection (2); or
- (b) transfer the application to another local authority or to a government institution in accordance with section 11.

(2) The head shall give written notice to the applicant within 30 days after the application is made:

- (a) stating that access to the record or part of it will be given on payment of the prescribed fee and setting out the place where, or manner in which, access will be available;
- (b) if the record requested is published, referring the applicant to the publication;
- (c) if the record is to be published within 90 days, informing the applicant of that fact and of the approximate date of publication;
- (d) stating that access is refused, setting out the reason for the refusal and identifying the specific provision of this Act on which the refusal is based;
- (e) stating that access is refused for the reason that the record does not exist;
- (f) stating that confirmation or denial of the existence of the record is refused pursuant to subsection (4); or
- (g) stating that the request has been disregarded pursuant to section 43.1 and setting out the reason for which the request was disregarded.

(3) A notice given pursuant to subsection (2) is to state that the applicant may request a review by the commissioner within one year after the notice is given.

(4) If an application is made with respect to a record that is exempt from access pursuant to section 14, 20 or 21 or subsection 28(1), 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; 2017, c.17, s.7.

**Applications deemed abandoned**

7.1(1) If the head has invited the applicant to supply additional details pursuant to subsection 6(3) or has given the applicant notice pursuant to clause 7(2)(a) and the applicant does not respond within 30 days after receiving the invitation or notice, the application is deemed to be abandoned.



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**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.

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- (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.

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- (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;



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- (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.



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**c. L-27.1 LOCAL AUTHORITY FREEDOM OF INFORMATION  
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**Standard of accuracy**

**26** A local authority shall ensure that personal information being used by the local authority for an administrative purpose is as accurate and complete as is reasonably possible.

1990-91, c.L-27.1, s.26.

**Use of personal information**

**27** No local authority shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except:

- (a) for the purpose for which the information was obtained or compiled, or for a use that is consistent with that purpose; or
- (b) for a purpose for which the information may be disclosed to the local authority pursuant to subsection 28(2).

1990-91, c.L-27.1, s.27.

**Disclosure of personal information**

**28(1)** No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.

**(2)** Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:

- (a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose;
- (b) for the purpose of complying with:
  - (i) a subpoena or warrant issued or order made by a court, person or body that has the authority to compel the production of information; or
  - (ii) rules of court that relate to the production of information;
- (c) to the Attorney General for Saskatchewan or to his or her legal counsel for use in providing legal services to the Government of Saskatchewan or a government institution;
- (d) to legal counsel for a local authority for use in providing legal services to the local authority;
- (e) for the purpose of enforcing any legal right that the local authority has against any individual;
- (f) for the purpose of locating an individual in order to collect a debt owing to the local authority by that individual or make a payment owing to that individual by the local authority;