

Township of Hornepayne
&
CN Rail Agreement

CLASSIFIED

Not for Public Knowledge.

(1)

Update for Interested Parties.

SELL OUT & COVER-UP

Time Line

August 5th 2021, Request for info. I ask for clarification with regard to a long standing rumour (See email numbered #1)

Aug. 9th, Response from Gail CAO/clerk, vague, less than candid, misleading. (See email numbered #2)

Aug. 10th, I email asking for more clarity. (see email numbered #3)

Aug. 11th, 11:57am. The Response from CAO/clerk, confirms, there is an exception. (See email numbered #4)

Aug 11th, 12:26pm. I press for details concerning this "exception". (See email numbered #5)

Aug. 12th 7:26am I 'am directed to file a request under the (MFIPPA) Act. (see email numbered #6)

Aug 12th, 8:41, I object, but file a request (see email numbered #7) and (Request numbered #8)

Aug 31st, Letter from the Township, Re: MFIPPA Request Number: M2021-03, delayed according to section 21. (see letter numbered #9)

Sept. 2nd, I object to the Township protecting the third party by denying access to general information. (see email numbered #10)

Oct.1st, Township determines that the "Record is exempt from disclosure in whole". (see letter numbered #11)

Oct 1st, After receipt of the Township letter, I respond to Gail, CAO/clerk, objecting, claiming the decision is noncongruent with the "CORE VALUES" the Townships professes. I include in my response a request for additionally info. (see letter to Township numbered #12)

Oct 4th, Email from the Town, Their view, if you don't like it, "you can appeal". (see email numbered #13)

(2)

Oct 5th, my response to the above email. (see email numbered #14)

Oct 6th, I file an official second request for additional, relevant, public info. (see email and application numbered #15, #16, #17, & 18)

Oct 21st, Filed an Appeal with the Information and Privacy Commissioner for Ont. appealing the Townships decision dated Oct 1st. "Record is exempt from disclosure in whole". (see documents numbered #19, #20, #21, #22, #23,)

Oct 27th, Received an email from the Town, response to my Oct. 6th, supplemental request. For public info. (see email numbered #24, #25, #26, #27, #28, #29, #30)

Now we wait for CN's response, which the Town will probably refuse to disclose, which I will appeal.

Sir Walter Scott (1808), "Oh, what tangled web we weave, when first we practice to deceive".

This time line with regard to the subject matter it addresses makes clear the continuance of a long standing practice in the Township offices, to protect the interests of CN Rail before those of the town's people.

I conclude, the agreement in question, provides a service to CN at no, or very little expense, which in fact makes it a subsidy from the Township, to CN Rail, and at the expense of the tax payers. The actions of the CAO/clerk in the Time Line on behalf of the Corporation, confirms that primary priority to protect CN Rail, a policy that continues to fail and victimize the community.

I suspect this secret agreement (sellout), divisive and discriminatory, is only one more head of the hydra. By the refusal of the manager and elected officials to disclose the details, we can reasonably conclude it disadvantages the community. Their lack of transparency, to provide verifiable details, including when and by whom this agreement was formalized, casts a dark shadow on the credibility of the current administration.

Consider the absurdity in this matter, the recipient of benefit, a billion dollar Corporation that passes out millions of dollars in bonuses annually to their hatchet men. What a nauseating profanity, that the Township would enter into such a self-serving agreement, at the expense of the struggling community, most of which are CN employees.

(3)

I call upon the Mayor and Council to practice the CORE VALUES they profess, by making the Agreement public and should it prove, to disadvantage the community in any way, I call upon them to rescind the offending agreement immediately.

In the bigger picture, this secret agreement demonstrates a practice of collusion between the Corporation of Hornepayne, and CN Rail. This is the same morally reprehensible policy, within the Township offices, that resulted in the orchestrated (cover-up) of CN's menacing pollution problems for decades.

In 2004, a direct consequence of their pollution and failed township policy of servitude to CN, resulted in the 10.6 million dollars cost to the community to bring clean water from Moonlight Lake. For a community with a tax base of less than a thousand, the cost of that fraud resulted in water rates that are exorbitant, and a major obstacle preventing growth in the community.

Town Core Values Statement

They contend, "Our Core Values are our beliefs. They are what guide our actions. Our Core Values are a statement about who we are as a municipal government. In addition, our Core Values confirm who we are as a Township Council, staff and volunteers. Our Core Values remind us of how we will administer our affairs, deal with issues or respond to people. They will guide our day to day, as well as our long-term decision making".

Actions indicate there is a startling difference between the professed and the practiced, in the Township offices, and for the most part the benefit of that hypocrisy goes to CN Rail. The Township's claim of supporting "local industry", is not something I object to, but the general expectation is that support will be transparent, mutual and beneficial for both parties. But, in reality, the record to date indicates that the Township practices servitude to CN, to advantage the careers opportunities and sentiments of a minority, both at the expense of the majority.

Currently, the new proposed official town plan, made very clear that the Township has no intentions of recognizing CN's environmental disaster within the Town, between 2021 and 2040. True to past practice, this new plan, like the old one, continues to ignore the documented facts, with regard to this environmental disaster. As such I recognize it as plan designed to continue the (cover up) to 2040 and beyond.

One is left to contemplate what future benefits will be bestowed upon the Privileged, Corporation of CN Rail at the expense of the Commoner. The past and present misaligned

(4)

short sighted policies, of the Township, have resulted in a current state of affairs that requires them to overcharge for their services, to meet costs. A scenario I consider, Factually Pathetic, considering that circumstances have placed the Township in a position where it is owed millions for damages done by CN's pollution.

Now deceased, Jane Jacobs had it right when she wrote of her disdain for "professionals" who do more to protect their income and position in society than to protect the truth they are supposed to be protecting.

Do have a very good day,
George Collins.

CC: Hornepayne Mayor and Council.

Mr. Michael Gravelle MPP for Superior North

Mrs. Patty Hajdu, P.C.M.D. MP Thunder Bay Superior North

Ms. Maneka Kaur, Canadian Environmental Law Association (CELA)

Mr. Don MacAlpine, Author Environmental Advocate Calgary

Environmental Advocacy, Mrs. Carmen Patey Sudbury

Environment North Thunder Bay Ont.

Question

1

George J Collins <grampabug7@hotmail.com>

Thu 05/08/2021 10:49 AM

To: grampabug7@hotmail.com <grampabug7@hotmail.com>

Good Morning, Gail,

I have a question that you may be able to help me with.

Quite some time ago I came across some information that stated/indicated that CN Rail in Hornepayne does not pay for municipal water used by them under some early, last century agreement made between them and the Township.

Could you update me concerning this matter?

Thanking you for any clarification you may be able to provide. Geo.

RE: Question

Gail Jeremy <jaremy.hpayne@bellnet.ca>

Mon 09/08/2021 02:14 PM

To: 'George J Collins' <grampabug7@hotmail.com>

Good Afternoon George,

CN Rail does pay water and sewer charges to the Township.

Regards,

Gail



Gail Jeremy
CAO/Clerk
Township of Hornepayne
68 Front St P.O. Box 370
Hornepayne, ON P0M 1Z0
Tel: (807) 868-2020 x 205
Fax: (807) 868-2787
Email: jaremy.hpayne@bellnet.ca
Web: www.townshipofhornepayne.ca

~ We are a municipality focused on providing value-added experiences to our citizens, visitors, and investors.~

~ Our quest for continual improvement and quality of life will make us the Township where people want

https://outlook.live.com/mail/inbox/id/AQCKADAWATYwMAIZTKZMS1mNZxLTAwA10wMAoAEACCG0Qggltda25DeZwJUNVq

#3

Gail



Gail Jaremy
CAO/Clerk
Township of Hornepayne
68 Front St P.O. Box 370
Hornepayne, ON P0M 1Z0
Tel: (807) 868-2020 x 205
Fax: (807) 868-2787
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From: George J Collins <grampabug7@hotmail.com>
Sent: August 10, 2021 9:14 AM
To: Gail Jaremy <jaremy.hpayne@bellnet.ca>
Subject: Re: Question

Good Morning Gail, thank you for this information and the update to my June30th, letter to Mayor and Council this morning.
One more small question concerning CN, am I correct at assuming that they pay at the current, pro rata rate. Regards, Geo.

George J. Collins

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From: George J Collins <grampabug7@hotmail.com>
Sent: August 11, 2021 12:26 PM
To: Gail Jeremy <jaremy.hpayne@bellnet.ca>
Subject: Re: Question

#5

Good Afternoon Gail,

I thank you for the info you just sent and make inquiry concerning the exception of one agreement you state. May I ask what agreement would that be. Geo.

George J. Collins

From: Gail Jeremy <jaremy.hpayne@bellnet.ca>
Sent: August 11, 2021 11:57 AM
To: 'George J Collins' <grampabug7@hotmail.com>
Subject: RE: Question

#4

Good Morning George,

With the exception of one agreement, CN pays the same rates as all property owners as listed in our Water & Sewer Rate By-Law (attached).

Best Regards,

Gail



Gail Jeremy
CAO/Clerk
 Township of Hornepayne
 68 Front St P.O. Box 370
 Hornepayne, ON P0M 1Z0
 Tel: (807) 868-2020 x 205
 Fax: (807) 868-2787
 Email: jaremy.hpayne@bellnet.ca
 Web: www.townshipofhornepayne.ca

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Re: Question

George J Collins <grampabug7@hotmail.com>

Thu 12/08/2021 08:41 AM

To: Gail Jaremy <jaremy.hpayne@bellnet.ca>

Good Morning Gail,

I consider such an agreement public information, as such I object, but I will not dispute. I will fill in the attached MFIPPA form and along with the five-dollar (5) application fee, mail them to you later today.

Thank you for including the form. Geo.

George J. Collins

From: Gail Jaremy <jaremy.hpayne@bellnet.ca>
Sent: August 12, 2021 07:26 AM
To: 'George J Collins' <grampabug7@hotmail.com>
Subject: RE: Question

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Good Morning George,

That type of request would have to be processed through the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) Act process.

If you would like to proceed, please complete and return the attached MFIPPA request form with the \$5.00 application fee.

Thank you.

Wishing you a great day.

Gail



Gail Jaremy
CAO/Clerk
Township of Hornepayne
68 Front St P.O. Box 370
Hornepayne, ON P0M 120
Tel: (807) 868-2020 x 205
Fax: (807) 868-2787
Email: jaremy.hpayne@bellnet.ca
Web: www.townshipofhornepayne.ca

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Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) – Access Request Form

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Please note:

- An access request for information will be processed in accordance with the time limits set out in the MFIPPA and regulations. The time limit to respond to your inquiry will begin from the date the request and the \$5.00 application fee are received.
- If paying by cheque, please make the cheque payable to the "Corporation of the Township of Homepayne".
- Photocopies of originals will be provided in responding to requests.

Part A: To be completed in full by the Requester

- Access to General Records
- Access to Own Personal Information

Directed to:
 Township of Homepayne
 68 Front Street, P.O. Box 370
 Homepayne, Ontario
 P0M 1Z0
 Attention: Gail Jeremy, CAO/Clerk

Details

Last Name COLLINS		First Name GEORGE	
Address 121 FOURTH ST.		City NIPIGON	Province ONT.
Postal Code P0T 2J0	Telephone - Day 1-807-899-1497	Telephone - Evening	
E-mail grampabug7@hotmail.com			

Detailed description of requested records, personal information records or correction of personal information:

I request a copy of the one (1) AGREEMENT which constitutes the exception where CNRAIL does not pay the same rate as all other property owners in Homepayne.

Signature: <i>George J. Collins</i>	Date: 2021/08/12 yyyy mm dd
--	--

Part B: For Office Use Only

<input type="checkbox"/> \$5.00 Application Fee Received	Date Application Fee Received:			Received By:	Ext. #:
	Day	Month	Year		

THE TIME FOR PROCESSING ACCESS REQUESTS IS 30 DAYS, HOWEVER, A TIME EXTENSION MAY BE APPLIED WHERE NECESSARY.

Personal information contained on this form is collected under section 17 of the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used to respond to your request. Questions about this collection should be directed to Gail Jeremy, CAO/Clerk, Township of Homepayne, 68 Front Street, P.O. Box 370 Homepayne, Ontario P0M 1Z0 or by telephone at 807-868-2020 extension 205 or by email at jaremy.hpayne@bellnet.ca.

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Township of Hornepayne
68 Front Street
P.O. Box 370
Hornepayne, ON P0M 1Z0



Tel: (807) 868-2020
Fax: (807) 868-2787
www.townshipofhornepayne.ca
info.hpayne@bellnet.ca

The Geographic Centre of Ontario

August 31, 2021

George Collins
121 Fourth Street
Nipigon, ON
P0T 2J0
Email: grampabug7@hotmail.com

Re: MFIPPA Request Number: M2021-03

Dear Mr. Collins:

Thank you for your request under the *Municipal Freedom of Information and Protection of Privacy Act*, dated August 12th, 2021 and received in our office August 25th, 2021, in which you seek the following records:

"a copy of the one (1) agreement which constitutes the exception where CN Rail does not pay the same rate as all other property owners in Hornepayne".

According to section 21 of the *Act*, a third party whose interests may be affected by the release of a record must be given the opportunity to make representations to the head of an institution concerning disclosure of the records. In this case, we believe that your request may affect the interests of a third party and we are providing them with notice pursuant to s. 21 of the *Act*. Pursuant to s. 21, the third party has twenty days to make representations regarding the release of this information, and we will make a decision regarding release within ten days of receiving representations. The deadline for our decision in respect of this request is **October 1st, 2021.**

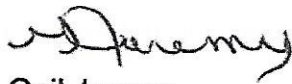
Please note that we have not yet made a decision on whether the information sought may be exempt from disclosure. We will do so after receiving representations from the affected third party.

#9

Page 2
M2021-03
August 31, 2021

Enclosed are copies of sections 10 and 21 of the Act for your convenience and information. Please contact the undersigned if you have any questions. I would appreciate you using the request number M2021-03 assigned to the request in any correspondence.

Sincerely,



Gail Jeremy
CAO/Clerk
Township of Hornepayne

Encl.

my copy -
10

Asking for Clarification.

George J Collins <grampabug7@hotmail.com>

Thu 02/09/2021 09:08 AM

To: Gail Jaremy <jaremy.hpayne@bellnet.ca>

Bcc: Carmen <vezina41@gmail.com>; Maneka Kaur <articling@cela.ca>

Good morning, Gail,

With regard to your file number M2021-03, I ask for clarification.

Your corres. Aug.31st , states that you have taken the position of delaying my access to the Public Record, awaiting third party (CN) response. Attached to your corres. are the articles and subsections upon which you as "Head" may choose to take this action.

I cannot find where any of the attached criteria you forwarded supports your position.

I point out that the agreement in question, which does not charge CN the going rate, is currently in effect without any "confidentiality classification" which makes it Unrestricted Information on the Public Record . As a Taxpayer and a member of the Corporation of Hornepayne I conclude you have no reason to deny me this information, awaiting approval from CN Rail.

I ask, please correct me if I'm wrong in any way, and direct me to any criteria which supports your position in this matter.

Geo.

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Township of Hornepayne
68 Front Street
P.O. Box 370
Hornepayne, ON P0M 1Z0



Tel: (807) 868-2020
Fax: (807) 868-2787
www.townshipofhornepayne.ca
info.hpayne@bellnet.ca

The Geographic Centre of Ontario

October 1, 2021

George Collins
121 Fourth Street
Nipigon, ON P0T 2J0
grampabug7@hotmail.com

Re: MFIPPA Request No. M2021-03 – Decision Letter

Dear Mr. Collins:

Thank you for your request under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA" or the "Act"), dated August 12, 2021, and received in our office August 25, 2021, in which you made the following request for one record (the "Record"):

I request a copy of the one (1) AGREEMENT which constitutes the exception where CN Rail does not pay the same rate as all other property owners in Hornepayne.

The processing of your request is now complete. We have determined that the Record is exempt from disclosure in whole pursuant to sections 10(1)(a) and 12 of the Act (specifically, on the basis of settlement privilege which is protected under section 12). A copy of these MFIPPA sections have been enclosed for your reference.

The Township now considers your request to be complete. You may request that this decision be reviewed by writing to the Information and Privacy Commissioner/Ontario at 1400-2 Bloor Street East, Toronto, Ontario, M4W 1A8.

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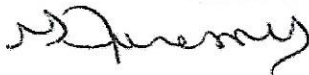
Please note that you have thirty (30) days from the receipt of this letter to request a review from the Commissioner. If you decide to request a review of this decision, please provide the Commissioner's office with the following:

- The file number listed at the beginning of this letter
- A copy of this decision letter
- A copy of the original request for information you sent to our institution

In addition, you must send an appeal fee to the Commissioner's office. The appeal fee for requests for general information is twenty-five dollars (\$25.00). Please include the fee with your letter of appeal. Appeal fees should be in the form of either a cheque or money order, payable to the Minister of Finance. If we do not receive an appeal within thirty (30) days we will consider this matter closed.

Please do not hesitate to contact the undersigned with any questions.

Sincerely,



Gail Jeremy
CAO/Clerk
Township of Hornepayne

12

Oct 1st, 2021,
Gail Jaremy,
CAO/Clerk,
Township of Hornepayne.

RE: MFIPPA Request No. M2021-03 - Decision Letter.

With regard to your Decision letter dated October 1st, it was with disappointment that I read of your decision to “exempt from disclosure in whole” the Agreement of concern.

I ask for the following clarification to better understand the Township’s position in this matter.

- Line #8, precisely who are or is, “WE”.
 - Are the Mayor and all Councillors aware of this decision?
 - What was CN’s response, if in writing a copy please?
 - When did this Agreement go into effect?
 - 2020, how much total revenue did the Township collect from CN.

Your lack of TRANSPARENCY is very troubling and would seem to fly in the face of “CORE VALUES” the corporation professes. I noted also, that your decision letter came on the last of the twenty date allotment you had to respond.

Your earliest response to this correspondence would be appreciated. Thanking in advance for the same.

George Collins.

RE: Request for information.

#13

Gail Jaremy <jaremy.hpayne@bellnet.ca>

Mon 04/10/2021 02:06 PM

To: 'George J Collins' <grampabug7@hotmail.com>

Good Afternoon George,

As detailed in my letter of October 1st, 2021, if you disagree with the Township's decision, you are free to file an Appeal with the Information and Privacy Commissioner.

Best,

Gail



Gail Jaremy

CAO/Clerk

Township of Hornepayne

68 Front St P.O. Box 370

Hornepayne, ON P0M 1Z0

Tel: (807) 868-2020 x 205

Fax: (807) 868-2787

Email: jaremy.hpayne@bellnet.ca

Web: www.townshipofhornepayne.ca

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From: George J Collins <grampabug7@hotmail.com>

Sent: October 4, 2021 8:55 AM

To: Gail Jaremy <jaremy.hpayne@bellnet.ca>

Subject: Request for information.

Good morning, Gail,

Please see the attached.

Geo.

Request for information

George J Collins <grampabug7@hotmail.com>

Tue 05/10/2021 09:43 AM

To: Gail Jeremy <jaremy.hpayne@bellnet.ca>

Bcc: Maneka Kaur <artiding@cela.ca>; Carmen <vezina41@gmail.com>



Good morning, Gail.

No need to remind me of my right to appeal, the first time I exercised that right was in 1967.

Never to be rushed, I will follow procedure and make an official MFIPPA request for answers to the five (5) questions contained in my Oct 3rd correspondence.

If as head, you disagree with my right to make inquiry, or obtain this information, under the provisions set out in 10(1) and 12, then you are free to do so.

While, you as head, claim protection under those clauses against disclosure, after careful consideration of the same, I find no justification within them to support your action.

I dismiss your encouragement to make an immediate appeal, knowing that once an appeal is commenced, no new or supplemental questions can be added. I'm also aware, that once adjudicated, you as head could and would consider the matter complete and would refuse any future requests for information, similar in nature.

I conclude, your refusal to provide the details of this agreement with CN is entirely based upon the embarrassment it would cause, if the community were to know, that while they pay exorbitant rates, CN, the billion-dollar corporation, gets a FREEBEE.

In conclusion, I think the Corporation of Hornepayne, desperately needs a new set of "Core Values".

George.

#15

(FOI) Request.

George J Collins <grampabug7@hotmail.com>

Wed 06/10/2021 09:37 AM

To: Gail Jaremy <jaremy.hpayne@bellnet.ca>

Bcc: Maneka Kaur <articling@cela.ca>; Carmen <vezina41@gmail.com>; Butlerdidit@shaw.ca <Butlerdidit@shaw.ca>

 1 attachments (795 KB)

(FOI Request) Township of Homepayne, Oct 6th, 2021..pdf;

Good morning, Gail.

Please see attached (FOI) request for basic, general information . It is my position, that the information requested, is information that the Towns people have every right to view and be made aware of . Further, it is also my position, that there is no justifiable excuse to deny them the same.

Please confirm upon receipt.

George C.

Request Form

under the *Freedom of Information and Protection of Privacy Act*/
Municipal Freedom of Information and Protection of Privacy Act

Please Note: A \$5.00 application fee is required for all requests.

#16

Request for: <input checked="" type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	Name of Institution request made to: <i>Township of Hornby</i>
--	--

If request is for access to, or correction of, own personal information records:
Last name appearing on records: same as below, or: _____

<input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: <i>COLLINS</i>
First Name: <i>GEORGE</i>	Middle Name: <i>J.</i>
Address: (Street/Apt. No./P.O. Box/R.R. No.) <i>121 Fourth St.</i>	City/Town: <i>Hornby</i>
Province: <i>Ont</i>	Postal Code: <i>R0T 2S0 Box 883</i>
Telephone Number (Day): (807) <i>889-1497</i>	Telephone Number (Evening): () <i>N/A</i>

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)

*I request the following info - (1) Was the Mayor & Councilors aware of the Decision in your Oct 1st, Decision Letter.
(2) What was CW's response to my request for a copy of the agreement, which constitutes the exception where CW Rail does not pay the same rate as all other (SEE OVER)*

Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

Preferred method of access to records: <input type="checkbox"/> Examine Original <input checked="" type="checkbox"/> Receive Copy	Signature: <i>George Collins</i>	Date: <i>Oct 6th 2021</i>
--	---	----------------------------------

For Institution Use Only		
Date Received:	Request Number:	Comments

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.

property owners in Hornesayne -

- (3) When did that Agreement go into effect?
- (4) In the year 2020, how much total revenue did the Township collect from C. N. Road.

It is my position, that the above requested information is very basic, that the people of Hornesayne have a right to this information, and that no harm would be caused to any party should this information be made public or available.

#17

my Copy

Sent Oct 8th 2021

#18

Please find enclosed one cheque for 5 dollars, made out to the Township of Hornepayne.

To cover the fee of processing my (FOI) request Dated Oct 6th, 2021.

SUPPLEMENT to M2021-03

Thank you George C.

#19

Information and Privacy,
Commissioner of Ontario
This date Oct 21st 2021.

Please find enclosed one completed Appeal Form, a copy of the decision letter from the Township of Hornepayne, a copy of the original request and a cheque made out to the Minister of Finance.

As indicated, I'm appealing the decision of the Township of Hornepayne, refusing access to a general record.

Should you require further information please contact me through the email address provided.

Thanking you in advance for your attention to this matter.

Sincerely,
George Collins.

Appeal Form

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Appeal under the
Freedom of Information and Protection of Privacy Act (FIPPA)
or the
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Note: An appeal must be sent in writing to the Registrar within 30 days after the institution has given notice of its decision.

The government organization which dealt with your request is referred to as an "institution" under the Acts.

Your Information

MR. MRS. MS. MISS

SURNAME OR
NAME OF COMPANY, ASSOCIATION OR ORGANIZATION COLLINS

GIVEN NAME GEORGE INITIALS J

ADDRESS 121 Fourth St. P.O. Box 883 UNIT _____

CITY Nipigon PROVINCE Ont. POSTAL CODE P0T 2S0

TELEPHONE DAYTIME 1-807-889-1497 EVENING SAME

If this appeal is not being made in a personal capacity, please provide the following information:

NAME OF CONTACT _____

TITLE _____ TELEPHONE _____

E-MAIL ADDRESS* grampabug7@hotmail.com

*I consent to being contacted at this e-mail address or through that of my representative on my behalf. I acknowledge that sending e-mail over the Internet is not secure, in that it can be intercepted and/or manipulated and retransmitted.

Please select *one* of the following:

- I made a request for access to a general record, and have enclosed the required \$25.00 appeal fee.
- I made a request for access to my own personal information and have enclosed the required \$10.00 appeal fee.
- I made a request to correct my own personal information and have enclosed the required \$10.00 appeal fee.
- I received a notice that the institution intends to disclose a record/personal information that may relate to me. (No appeal fee required.)

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Township of Homepayne
68 Front Street
P.O. Box 370
Homepayne, ON P0M 1Z0



Tel: (807) 868-2020
Fax: (807) 868-2787
www.townshipofhomepayne.ca
info.hpayne@bellnet.ca

The Geographic Centre of Ontario

October 1, 2021

George Collins
121 Fourth Street
Nipigon, ON P0T 2J0
grampabug7@hotmail.com

Re: MFIPPA Request No. M2021-03 – Decision Letter

Dear Mr. Collins:

Thank you for your request under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA" or the "Act"), dated August 12, 2021, and received in our office August 25, 2021, in which you made the following request for one record (the "Record"):

I request a copy of the one (1) AGREEMENT which constitutes the exception where CN Rail does not pay the same rate as all other property owners in Homepayne.

The processing of your request is now complete. We have determined that the Record is exempt from disclosure in whole pursuant to sections 10(1)(a) and 12 of the Act (specifically, on the basis of settlement privilege which is protected under section 12). A copy of these MFIPPA sections have been enclosed for your reference.

The Township now considers your request to be complete. You may request that this decision be reviewed by writing to the Information and Privacy Commissioner/Ontario at 1400-2 Bloor Street East, Toronto, Ontario, M4W 1A8.

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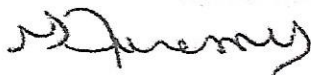
Please note that you have thirty (30) days from the receipt of this letter to request a review from the Commissioner. If you decide to request a review of this decision, please provide the Commissioner's office with the following:

- The file number listed at the beginning of this letter
- A copy of this decision letter
- A copy of the original request for information you sent to our institution

In addition, you must send an appeal fee to the Commissioner's office. The appeal fee for requests for general information is twenty-five dollars (\$25.00). Please include the fee with your letter of appeal. Appeal fees should be in the form of either a cheque or money order, payable to the Minister of Finance. If we do not receive an appeal within thirty (30) days we will consider this matter closed.

Please do not hesitate to contact the undersigned with any questions.

Sincerely,



Gail Jeremy
CAO/Clerk
Township of Hornepayne



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Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) – Access Request Form

Please note:

- An access request for information will be processed in accordance with the time limits set out in the MFIPPA and regulations. The time limit to respond to your inquiry will begin from the date the request and the \$5.00 application fee are received.
- If paying by cheque, please make the cheque payable to the "Corporation of the Township of Hornepayne".
- Photocopies of originals will be provided in responding to requests.

Part A: To be completed in full by the Requester

Access to General Records

Access to Own Personal Information

Directed to:

Township of Hornepayne
68 Front Street, P.O. Box 370
Hornepayne, Ontario
P0M 1Z0
Attention: Gail Jaremy, CAO/Clerk

Details

Last Name COLLINS		First Name GEORGE	
Address 121 FOURTH ST.		City NIPIGON	Province ONT.
Postal Code P0T 2S0	Telephone - Day 1-807-899-1497	Telephone - Evening	
E-mail grampa bug7@hotmail.com			

Detailed description of requested records, personal information records or correction of personal information:

I request a copy of the one (1) AGREEMENT which constitutes the exception where CNRAIL does not pay the same rate as all other property owners in Hornepayne.

Signature:

George J. Collins

Date:

2021/08/12
yyyy mm dd

Part B: For Office Use Only

\$5.00 Application Fee Received

Date Application Fee Received:

Day Month Year

Received By:

Ext. #:

THE TIME FOR PROCESSING ACCESS REQUESTS IS 30 DAYS, HOWEVER, A TIME EXTENSION MAY BE APPLIED WHERE NECESSARY.

Personal information contained on this form is collected under section 17 of the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used to respond to your request. Questions about this collection should be directed to Gail Jaremy, CAO/Clerk, Township of Hornepayne, 68 Front Street, P.O. Box 370 Hornepayne, Ontario P0M 1Z0 or by telephone at 807-868-2020 extension 205 or by email at jaremy.hpayne@bellnet.ca.

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M2021-04 - Third Party Notice

Gail Jaremy <jaremy.hpayne@bellnet.ca>

Wed 27/10/2021 09:29 AM

To: 'George J Collins' <grampabug7@hotmail.com>

📎 3 attachments (917 KB)

M2021-04 Collins - October 27-21 Third Party Notice.pdf; 1783 - Delegation of Authority By-Law.pdf; 1783 - Schedule A - Delegation of Authority By-Law.pdf;

Good Morning George,

Please see attached.

Best Regards,

Gail

**Gail Jaremy****CAO/Clerk**

Township of Hornepayne

68 Front St P.O. Box 370

Hornepayne, ON P0M 1Z0

Tel: (807) 868-2020 x 205

Fax: (807) 868-2787

Email: jaremy.hpayne@bellnet.caWeb: www.townshipofhornepayne.ca

~ We are a municipality focused on providing value-added experiences to our citizens, visitors, and investors. ~

~ Our quest for continual improvement and quality of life will make us the Township where people want to live, work, visit and invest. ~

The information contained in this email message is privileged and confidential and is intended for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone or email and delete.

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The Geographic Centre of Ontario

October 27, 2021

George Collins
121 Fourth Street
Nipigon, ON
P0T 2J0
Email: grampabug7@hotmail.com

Re: MFIPPA Request Number: M2021-04

Dear Mr. Collins:

This correspondence will acknowledge receipt of your request under the *Municipal Freedom of Information and Protection of Privacy Act*, dated October 6th, 2021 and considered received in our office October 19th, 2021, when the Access Fee was received, in which you seek the following:

“(1) Was the Mayor and Councillors aware of the Decision in your Oct. 1st Decision Letter. (2) What was CN’s response to my request for a copy of the agreement, which constitutes the exception where CN Rail does not pay the same rate as all other property owners in Homepayne. (3) when did that Agreement go into effect? (4) For the year 2020, how much total revenue did the Township collect from C.N. Rail.”

Regarding Request (1), under Section 13.1.1 of the Township’s Delegation of Authority By-Law No. 1783 (attached), Council has delegated all aspects of administering the Municipal Freedom of information and Protection of Privacy Act and related decisions to me.

Regarding Request (3), the Township has already responded to a request about the agreement with CN under Request No. M2021-03 and advised that you had the right to appeal that decision. Your request number (3) constitutes a further request for information contained in the same record and so may be addressed through an Appeal of our decision in Request No. M2021-03, should you wish to pursue an Appeal.

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Requests (2) and (4) require that the Township, under Section 21 of the *Act*, seek representations from a third party whose interests may be affected by the release of a record concerning disclosure of the records. In this case, we believe that your request may affect the interests of a third party and we are providing them with notice pursuant to s. 21 of the *Act*. Pursuant to s. 21, the third party has twenty days to make representations regarding the release of this information, and we will make a decision regarding release within ten days of receiving representations. The deadline for our decision in respect of your Requests (2) and (4) is **November 26th, 2021**.

Please note that we have not yet made a decision on whether the information sought may be exempt from disclosure. We will do so after receiving representations from the affected third party.

Enclosed are copies of sections 10 and 21 of the *Act* for your convenience and information. Please contact the undersigned if you have any questions. I would appreciate you using the request number M2021-04 assigned to the request in any correspondence.

Sincerely,



Gail Jeremy
CAO/Clerk
Township of Hornepayne

Encl.

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Municipal Freedom of Information and Protection of Privacy Act

R.S.O. 1990, Chapter M.56

Third party information

10 (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,

(a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

(b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;

(c) result in undue loss or gain to any person, group, committee or financial institution or agency; or

(d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute. R.S.O. 1990, c. M.56, s. 10 (1); 2002, c. 18, Sched. K, s. 18.

Consent to disclosure

(2) A head may disclose a record described in subsection (1) if the person to whom the information relates consents to the disclosure. R.S.O. 1990, c. M.56, s. 10 (2).

...

Notice to affected person

21 (1) A head shall give written notice in accordance with subsection (2) to the person to whom the information relates before granting a request for access to a record,

(a) that the head has reason to believe might contain information referred to in subsection 10 (1) that affects the interest of a person other than the person requesting information; or

(b) that is personal information that the head has reason to believe might constitute an unjustified invasion of personal privacy for the purposes of clause 14 (1) (f). R.S.O. 1990, c. M.56, s. 21 (1).

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Contents of notice

(2) The notice shall contain,

(a) a statement that the head intends to disclose a record or part of a record that may affect the interests of the person;

(b) a description of the contents of the record or part that relate to the person; and

(c) a statement that the person may subject to subsection (5.1), within twenty days after the notice is given, make representations to the head as to why the record or part should not be disclosed. R.S.O. 1990, c. M.56, s. 21 (2); 2016, c. 5, Sched. 17, s. 1 (1).

Description

(2.1) If the request covers more than one record, the description mentioned in clause (2) (b) may consist of a summary of the categories of the records requested if it provides sufficient detail to identify them. 1996, c. 1, Sched. K, s. 17.

Time for notice

(3) The notice referred to in subsection (1) shall be given within thirty days after the request for access is received or, if there has been an extension of a time limit under subsection 20 (1), within that extended time limit. R.S.O. 1990, c. M.56, s. 21 (3).

Notice of delay

(4) A head who gives notice to a person under subsection (1) shall also give the person who made the request written notice of delay, setting out,

(a) that the disclosure of the record or part may affect the interests of another party;

(b) that the other party is being given an opportunity to make representations concerning disclosure; and

(c) that the head will, within 10 days after the expiry of the time period for making representations under subsection (5), decide whether or not to disclose the record. R.S.O. 1990, c. M.56, s. 21 (4); 2016, c. 5, Sched. 17, s. 1 (2).

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Representation re disclosure

(5) Where a notice is given under subsection (1), the person to whom the information relates may subject to subsection (5.1), within twenty days after the notice is given, make representations to the head as to why the record or part should not be disclosed. R.S.O. 1990, c. M.56, s. 21 (5); 2016, c. 5, Sched. 17, s. 1 (3).

Extension of time

(5.1) If the time limit specified in subsection (5) presents a barrier, as defined in the Accessibility for Ontarians with Disabilities Act, 2005, to the person, the head may extend the time limit for a period of time that is reasonably required in the circumstances to accommodate the person for the purpose of making representations under that subsection. 2016, c. 5, Sched. 17, s. 1 (4).

Representation in writing

(6) Representations under subsection (5) shall be made in writing unless the head permits them to be made orally. R.S.O. 1990, c. M.56, s. 21 (6).

Decision re disclosure

(7) The head shall decide whether or not to disclose the record or part and give written notice of the decision to the person to whom the information relates and the person who made the request within 10 days after the expiry of the time period for making representations under subsection (5). 2016, c. 5, Sched. 17, s. 1 (5).

Notice of head's decision to disclose

(8) A head who decides to disclose a record or part under subsection (7) shall state in the notice that,

(a) the person to whom the information relates may appeal the decision to the Commissioner within 30 days after the notice of decision is given, subject to subsection (8.1); and

(b) the person who made the request will be given access to the record or part unless an appeal of the decision is commenced within the time period specified in clause (a). 2016, c. 5, Sched. 17, s. 1 (5).

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Extension of time

(8.1) If the time limit specified in clause (8) (a) presents a barrier, as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, to the person, the head may extend the time limit for a period of time that is reasonably required in the circumstances to accommodate the person for the purpose of appealing the decision under that clause.). 2016, c. 5, Sched. 17, s. 1 (5).

Access to be given unless affected person appeals

(9) A head who decides under subsection (7) to disclose the record or part shall give the person who made the request access to the record or part within thirty days after notice is given under subsection (7), unless the person to whom the information relates appeals the decision to the Commissioner in accordance with clause (8) (a). R.S.O. 1990, c. M.56, s. 21 (9); 2016, c. 5, Sched. 17, s. 1 (6).

Personal information about deceased

(10) In the case of a request by the spouse or a close relative of a deceased individual for disclosure of personal information about the deceased individual, the person making the request shall give the head all information that the person has regarding whether the deceased individual has a personal representative and how to contact the personal representative. 2006, c. 19, Sched. N, s. 3 (3).

Deemed references

(11) If, under subsection (10), the head is informed that the deceased individual has a personal representative and is given sufficient information as to how to contact the personal representative, and if the head has reason to believe that disclosure of personal information about the deceased individual might constitute an unjustified invasion of personal privacy unless, in the circumstances, the disclosure is desirable for compassionate reasons, subsections (1) to (9) apply with the following modifications:

1. The expression “the person to whom the information relates” in subsections (1), (5), (7), (8) and (9) shall be deemed to be the expression “the personal representative”.
2. The expression “the person” in clauses (2) (a) and (b) shall be deemed to be the expression “the deceased individual” and the expression “the person” in clause (2) (c) shall be deemed to be the expression “the personal representative”. 2006, c. 19, Sched. N, s. 3 (3).