

PDF #58

MAY 20TH, 2022

Aug 12th 2021 (FOI) Appeals.

hpcnomissions.ca

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Update May 20th, 2022, PDF # 58.

In the matter of Appeal MA21-00683 and Appeal MA 2021-03.

To Interested Parties,

On Aug 12th 2021, I filed a freedom of information request with the Township. It included a request for disclosure of the Agreement, whereby CN Rail, did not pay the same Water and Sewer Rates, as the rest of the community.

The Township refused to disclose the agreement resulting in my Appeal to the Information and Privacy Commissioner for Ont. or IPC, who appointed a Mediator, Ms. Elisha Turney-Foss. On April the 8th, the Mediator informed me that the Township is being represented in this matter by the Law Firm of Edmond Harnden and also that their position remains one of refusal to disclose as per Article 10.1-A and Article 12. The matter is now going before an ~~Adjudicator~~ ^{mediator}.

Upon learning that the Township had retained legal counsel to avoid disclosure of this agreement, I decided to level the playing field. On April the 9th, I applied for legal representation from the Canadian Environmental Law Association or CELA.

After due consideration, the CELA advised on May 19th, that they will represent the "interested parties" requesting disclosure of this agreement. They concur with my position; that the public have a right to see the agreement. (see doc. marked "A" which follows)

AND SO, the people of the community, who for the most part, pay the invoices to facilitate the operation of the Corporation of Hornepayne, are now through necessity obliged to request representation by CELA lawyers. From distant Toronto, these legal CELA representatives will contest with this expensive Law Firm in Ottawa, HIRED by the town ADMINISTRATION, paid for by the people, to force the town ADMINISTRATION to administrate with transparency. More specifically, to obtain disclosure of an agreement, allegedly, made on behalf of the people, between the well paid Administrators of the Corporation of Hornepayne and CN Rail.

(2)

These are the same representatives of the people, whose core values statement, professes Transparency and Openness. But, perhaps I misunderstand the whole matter and this all cumulates into one of those values added experiences, that the Township advertises for people living there. One has to marvel at the Township and their determination to keep this agreement hidden from the Community, which will result in significant cost to the taxpayer. How does one reconcile this unnecessary expense, with the Mayors words of assurance, that she is concerned about every penny of taxpayers' money spent? How many pennies could be saved with a nickels worth of transparency or honesty, in this matter, I find their actions inconsistent with the virtuous values they profess to be guided by.

As you may recall, on August 10th, 2021 this same Administration, committed to doing a "comprehensive staff report" of the entire Moonlight Lake and CN pollution matter. I had little hope for any objective outcome, however, I and point outnow, it has been nine months since that commitment was made and still no report exists. I conclude an empty gesture while they play for time on the clock. My inquiry concerning this report on Mat 2nd last (marked "B" which follows), returned this email (marked "C" which follows), which raises more questions than it does provide answers. However, I will leave that for another day.

And the wheels grind on to the HIDDEN facts.

Geo.

PS For the very ardent and patient I have included a copy of the 2010 Liquor Control Board of Onterio V Magnotta Winery Corp, or the precedent setting case being used by the Law Firm of Harnden to defend the Townships position. I don't see much comparison. (marked D which follows).

Re: General Info.

Maneka Kaur <articling@cela.ca>

Thu 19/05/2022 11:45 AM

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

Great news, George! CELA has agreed to take you on as a client and represent you in the FOI Appeals!

We have begun drafting your retainer agreement and will soon contact you to discuss the retainerhip, in detail.

Until then, please feel free to contact me for any immediate query related to the whole process.

Best,
Maneka Kaur
Student-at-Law

Please note that I am an articling student and cannot provide legal advice.

Alert: In light of the current corona virus emergency, CELA staff are working remotely. Please do not visit our offices. You may contact our staff at our normal email addresses and telephone extensions. All services are continuing, but there are no in person meetings occurring; all of these are being adjusted to remote options such as teleconferences and videoconferencing. For deliveries, please contact the person expecting the package for specific arrangements. Mail can be sent to the normal address. We hope that all of you are well in these challenging times.

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Pronouns: she, her, hers

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Fw: Request

"B"

George J Collins <grampabug7@hotmail.com>

Mon 09/05/2022 09:33 AM

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

George J. Collins

From: George J Collins**Sent:** May 2, 2022 11:04 AM**To:** Gail Jaremy <jaremy.hpayne@bellnet.ca>**Subject:** Request

Good morning, Gail,

Concerning, " the comprehensive staff report" that Council asked you to provide for them, to review at an upcoming meeting last fall.

As you may recall on June 30th, 2021 I wrote the Mayor and Council concerning the serious local CN pollution matter, which I maintain was the primary factor in the municipalities decision to obtain drinking water from Moonlight Lake. Your response to that correspondence, dated August the 10th, indicated that I could expect your report within a reasonable time frame. However, it is now over nine months since I wrote that letter and almost eight months since I received your Aug 10th response, in which the final line read, "I will keep you apprised of our progress". I request and would appreciate an update with regard to this commitment.

George C.

RE: Request

Gail Jeremy <jaremy.hpayne@bellnet.ca>

Thu 12/05/2022 01:24 PM

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

Good Afternoon George,

Thanks for reaching out and thanks for your patience. I had intended to respond to you before leaving the office last week but unfortunately time got away from me.

The Township has retained counsel with expertise in environmental law in order to ensure the Township is provided the proper guidance on this issue and to ensure you receive an objective response to your concerns.

Council will be receiving an update from counsel at an upcoming meeting. I suspect they will then wish to have further discussion on the matter before providing a formal response.

I will touch base with you once those discussions have taken place.

Best Regards,

Gail

**Gail Jeremy****CAO/Clerk**

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~ 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. ~

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From: George J Collins <grampabug7@hotmail.com>**Sent:** May 9, 2022 9:34 AM