March 8, 2018

Frederick of Information and Protection of Privacy Act (FIPPA) Application
Our File No.: 18 02 146

The City of Winnipeg Planning, Property and Development Department is in receipt of your application for access under The Freedom of Information and Protection of Privacy Act (FIPPA) requesting:

"All correspondence to and from Jamie Cameron referring to 1290 McCrea Road, 1268 McCrea Rd and/or permit #17-181097 between Aug 1/17 to the present"

We have carefully considered your application and the responsive records. Access to the records has been granted in part, consistent with provisions as set out under The Freedom of Information and Protection of Privacy Act (FIPPA). Where information has been redacted, the relevant section of the FIPPA is noted on the record itself. The following sections of the Act apply:
**Freedom of Information and Protection or Privacy Act**

**Disclosure harmful to a third party’s privacy**

17 (1) The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party’s privacy.

**Disclosures deemed to be an unreasonable invasion of privacy**

17 (2) A disclosure of personal information about a third party is deemed to be an unreasonable invasion of the third party’s privacy if,

(b) The personal information was compiled and is identifiable as part of an investigation into a possible violation of a law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

(c) disclosure could reasonably be expected to reveal the identity of a third party who has provided information in confidence to a public body for the purposes of law enforcement of the administration of an enactment.

And

**Determining unreasonable invasion of privacy**

17 (3) In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party’s privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether

(e) the personal information has been provided, explicitly or implicitly, in confidence

(i) the disclosure would be inconsistent with the purpose for which the personal information was obtained.

Subsection 17(1) of The Freedom of Information and Protection of Privacy Act is a general, mandatory provision that protects the privacy of third parties. The fact that this section of the Act is mandatory means that information that is listed under the subsections of S. 17 are **required** to be withheld to protect the privacy of individuals. S. 17 is used in conjunction with other exceptions from subsections 17(2) and/or (3). As noted on the records, the following sections/subsections have been applied: 17(2)(b) and (c) and 17(3)(e) and (i). These subsections, respectively, protect the privacy of a third party where the personal information has been collected:

- as part of an investigation, in this case, in regard to a City By-law;
- in regard to a complaint or other circumstance where it is best to protect the identity of someone who has provided information to the City regarding a By-law or other offense;
- and was assumed to be in confidence, or was explicitly identified as having been provided in confidence;
- and release would be incongruent with the reason the information was collected in the first place.

As a detailed example, Subsection 17 (2)(b) applies as The City of Winnipeg Planning, Property and Development Department collects personal information in the course of following-up with a complaint, through routine inspections, or as part of an investigation.
Under Part 5 of The Freedom of Information and Protection of Privacy Act, you have the right to file a complaint with the Provincial Ombudsman within 60 days of receipt of this letter on the prescribed form to:

Manitoba Ombudsman
750 – 500 Portage Avenue
Winnipeg, MB R3C 3X1

You may contact Ombudsman Manitoba directly at (204) 982-9130. Should you require further information or clarification with respect to your application, please feel free to contact me directly at (204) 986-4366 at your convenience.

Thank you,

P. Langstaff - FIPPA Coordinator
Office of the Director
Planning, Property and Development Department

Cc: Mr. K. Krahn, Corporate FIPPA Coordinator, Access and Privacy Office
Can you provide an update? The customer has once again phoned us/311 looking for an update.

Richard (3479)

In response to your question “Was any W/W approval given in 2015 for the land to be leveled post Demolition?” No.

As per their demo permit (copy attached) only the area of excavation was to be filled, any other earthworks required a lot grade permit:

- Excavation area to be filled. DO NOT direct run-off onto adjacent properties.
- No alterations to existing lot grade elevations without obtaining a Lot Grade Permit

To better understand the affected areas; please see the attached (2 pages) which shows the four structures to be demolished and which were to the front of the property.

The area of fill is to the rear of the property, west of the yellow metal clad shop, and is unrelated to the demo.

For further clarity, please see the attached photos.
Hello Martin,

Re: 1268 McCreary Rd (Complaint)

There is a ditch/swaile that runs between the 2 properties. They removed some buildings by Demo permit (there is some W/W documentation in AMANDA). They subsequently brought in some fill to the areas of the former buildings.

Here is chronology:

2002 - 1290 McCreary - Drainage problems arising.
2003 - 1290 McCreary - Construct Single family dwelling.
2015 - 1268 McCreary - Demolition permit for 4 accessory building - including W/W approval.
2017 - 1268 McCreary

The question remains. Was any W/W approval given in 2015 for the land to be leveled post Demolition? If that is not the case, I will send a letter advising the owners of 1268 McCreary Rd to obtain a Development permit.

Please advise,

Thanks,

Jamie C
Cameron, Jamie

From: Kowal, Richard
Sent: Thursday, October 05, 2017 1:05 PM
To: Grady, Martin; Cameron, Jamie
Cc: Shaw, David
Subject: RE: Lot 59/63 Block 2 Plan 1918 122/4 St N* (17 154419 ZR)
Attachments: [PDF]
Importance: High

Martin, Jamie,

Please provide an update. I have received another call from the complainant.

Richard W. Kowal, Technologist 3
Water and Waste Department,
Engineering Division, Customer Technical Services Branch
204-986-3479

From: Kowal, Richard
Sent: 12 September, 2017 4:18 PM
To: Roy, Michelle; ‘McKay, Cynthia’
Cc: ‘Cameron, Jamie’; Grady, Martin; DShaw@winnipeg.ca
Subject: RE: Lot 59/63 Block 2 Plan 1918 122/4 St N* (17 154419 ZR)

Martin, Jamie,

Have you had a chance to review?

Richard W. Kowal, Technologist 3
Water and Waste Department,
Engineering Division, Customer Technical Services Branch
204-986-3479

From: Kowal, Richard
Sent: 28 August, 2017 1:12 PM
To: Roy, Michelle; McKay, Cynthia
Cc: Cameron, Jamie; Grady, Martin
Subject: RE: Lot 59/63 Block 2 Plan 1918 122/4 St N* (17 154419 ZR)

Jamie,

The attached letters seem to be for properties on Madina Av (as IView shows it to be) which we have no record of involvement with thus far.

Can you shed some light on this; was it something that originated on your end and sent to us as FYI?

1
The reason I am asking for clarification is that about a week prior, we sent notification of soil deposition at 1268 McCreary Rd to Martin Grady (see attached email), I suspect we thought your email was an update for same (as only the legal property description was noted). Want to make sure our filing is correct.

That said, can either you or Martin (copied on this email) provide an update re 1268 McCreary as the complainant has phoned me looking for an update.

Richard W. Kowal, Technologist 3  
Water and Waste Department,  
Engineering Division, Customer Technical Services Branch  
204-986-3479

From: Roy, Michelle  
Sent: 16 August, 2017 12:28 PM  
To: McKay, Cynthia; Shaw, David  
Cc: Cameron, Jamie  
Subject: Lot 59/63 Block 2 Plan 1918 122/4 St N* (17 154419 ZR)

Good afternoon,

Please see the attachment for registered letters sent out to the property owners regarding the deposition of soil at Lot 59/63 Block 2 Plan 1918 122/4 St N*.

Thanks,

Michelle Roy  
Zoning Memorandum and Trade Permit Clerk  
Zoning and Permits, Property Planning and Development  
City of Winnipeg  
Phone: 204-986-5187  
Email: mroy@winnipeg.ca  
Website: winnipeg.ca  
Address: Unit 31, 30 Fort St, Winnipeg, MB R3C 4X7

CONFIDENTIALITY NOTICE: The information contained in this message is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any use, dissemination, distribution, copying or disclosure of this message and attachments, in whole or in part, by anyone other than the intended recipient is strictly prohibited. If you have received this message in error, please notify the sender and permanently delete the complete message and any attachments. Thank you.
In reply please refer to / Référence à rappeler:

Jamie Cameron
Phone: 204-986-5132
Fax: 204-886-6347

REGISTERED MAIL RN 225 922 709 CA

December 8, 2017

Dear Homeowner:

RE: 1268 MCCREARY RD
FOLDER #: 17 166994 000 00 ZR

Recent information obtained by this department reveal development (soil/material deposition) has taken place on the above referenced property.

Please be advised that the subject site is zoned "A" Agricultural District and is subject to the provisions of the City of Winnipeg Zoning By-Law No. 200/2006.

**Development Permit Required**

8. (1) No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a development permit for that purpose except for the following:

(a) subject to subsection 8(2), single level decks 24 inches or less in height above grade located in a side or rear yard of a single family or two-family dwelling;

(b) subject to subsection 8(2), permitted accessory structures less than 108 square feet in building area located in a side or rear yard of a single family or two-family dwelling;

(c) permitted fences located in a side or rear yard of a single family or two-family dwelling;

(d) in all zoning districts, temporary tents less than 901 square feet in building area.

NOTE: Under The City of Winnipeg Charter “development” means the construction of a building on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of soil or material on land, and the excavation of land.
Lot grading requires a Development permit application and approval. Application can be made with a Permit Technician at Unit 31 – 30 Fort Street.

For more information please refer to the following website http://winnipeg.ca/waterandwaste/drainageFlooding/lotGrading/permit.shtm

Any questions regarding lot grading should be directed to Cynthia McKay at 986-3484. For a general reply to this letter, contact information is at the top of page 1.

Yours truly,

Jamie Cameron, Zoning Field Officer
Special Constable Badge # 402
Planning, Property and Development
City of Winnipeg

Cc: David Shaw – Customer Technical Services Supervisor, Water and Waste Department

Cynthia McKay – Technologist III, Water and Waste Department
In reply please refer to / Référence à rappeler:

REGISTERED MAIL RN 225 922 712 CA

October 8, 2017

Dear Homeowner:

RE: 1268 MCCREARY RD
FOLDER #: 17 166994 000 00 ZR

Recent information obtained by this department reveal development (soil/material deposition) taking place on the above referenced property.

Please be advised that the subject site is zoned "A" Agricultural District and is subject to the provisions of the City of Winnipeg Zoning By-Law No. 200/2006.

Development Permit Required
8. (1) No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a development permit for that purpose except for the following:
(a) subject to subsection 8(2), single level decks 24 inches or less in height above grade located in a side or rear yard of a single family or two-family dwelling;
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Yours truly,

Jamie Cameron, Zoning Field Officer
Special Constable Badge # 402
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