September 10, 2018

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act: Request Number 18 07 622

I have now had an opportunity to consider your request under Part 2 of The Freedom of Information and Protection of Privacy Act, received on July 11, 2018 by the City of Winnipeg, for access to the following records:

All Public Works Department records relating to the Route 90 project and Canada Lands Company for the month of December 2017.

On August 10, 2018, I wrote to you advising that the records you requested may contain information the disclosure of which might affect the business interests of a third party. I also advised that the third party was being given an opportunity to make representations to me about disclosure of the records.

The third party submitted written representations objecting to the disclosure of parts of the records.

Our search returned 8 pages of responsive records. After reviewing the records and considering the representations of the third party and all relevant circumstances, access is granted in part, with severing under s. 18(1)(b) and 18(1)(c)(ii) of the Act. This is because the records contain commercial, financial and technical confidential information and disclosing this information could reasonably be expected to interfere with the third party’s negotiations. This information has been severed, as required by the Act.

Disclosure harmful to a third party's business interests

18(1) The head of a public body shall refuse to disclose to an applicant information that would reveal
(b) commercial, financial, labour relations, scientific or technical information supplied to the public body by a third party, explicitly or implicitly, on a confidential basis and treated consistently as confidential information by the third party; or

(c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to

(ii) interfere with contractual or other negotiations of a third party

Additionally, access to a portion of the record has been severed under s. 23(1)(a), 23(1)(b) and 23(1)(c) of the Act, which specifically protects information that was provided as advice, opinions, proposals, recommendations, analyses, or policy options developed by or for the public body, or positions, plans, instructions developed for the purpose of contractual consideration that relate to negotiations.

Advice to a public body

23(1) The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to reveal

(a) advice, opinions, proposals, recommendations, analyses or policy options developed by or for the public body or a minister;

(b) consultations or deliberations involving officers or employees of the public body or a minister;

(c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Manitoba or the public body, or considerations that relate to those negotiations;

As required by subsection 7(2) of The Act, we have severed information that is protected from disclosure and have provided you with as much information as possible.

7(2) - The right of access to a record does not extend to information that is excepted from disclosure under Division 3 or 4 of this Part, but if that information can reasonably be severed from the record, an applicant has a right of access to the remainder of the record.

As you requested a copy of these records, and as they can be reasonably reproduced, in accordance with clause 14(1)(a) of The Freedom of Information and Protection of Privacy Act, a copy of the records is enclosed.

14(1) - Subject to subsection 7(2), the right of access is met under this Part

(a) if the applicant has asked for a copy and the record can reasonably be reproduced, by giving the applicant a copy of the record

Subsection 59(1) of The Freedom of Information and Protection of Privacy Act provides that you may make a complaint to the Manitoba Ombudsman about this decision. You have 21 days from the receipt of this letter to make a complaint on the prescribed form
to:

Manitoba Ombudsman
750 – 500 Portage Avenue
Winnipeg, MB R3C 3X1
(204) 982-9130 or 1-800-665-0531

The third party also has the right under subsection 59(2) of the Act to make a complaint to the Manitoba Ombudsman about my decision. If the third party does not make a complaint within 21 days, we will give you access to those records which are accessible as described above on September 13, 2018.

If you have any questions, please contact me at (204) 986-3041, by email at ssmith@winnipeg.ca, or by mail at the address below.

Sincerely,

Shelly Smith
Records and Information Management Coordinator
Public Works Department

c.c. K. Krahn, Corporate Access and Privacy Officer
Hello Deana,

Season’s Greetings and Happy Holidays!

Best Regards,

Vaibhav
Bridge Projects Engineer
Engineering Division, Public Works
P: 204-986-5008

From: Banthia, Vaibhav
Sent: Tuesday, November 7, 2017 8:12 PM
To: 'Deana Grinnell'
Cc: Burmey, Darren
Subject: RE: Preliminary Design of Route 90 Widening: Project Update - Canada Lands Company

Thanks Deana.

Regards,

Vaibhav
Bridge Projects Engineer
Engineering Division, Public Works
P: 204-986-5008

From: Deana Grinnell [mailto:DGrinnell@clc.ca]
Sent: Monday, November 6, 2017 2:06 PM
To: Banthia, Vaibhav
Cc: Burmey, Darren
Subject: FW: Preliminary Design of Route 90 Widening: Project Update - Canada Lands Company

Hi Vaibhav,
I have confirmed that Nick Sanders is the DND contact you will want to indicate on your documents:

Nick Sanders, *CEP, PMP*

UXO Program Manager  
A/Manager Divestment Programme  
Department of National Defence  
W – (613) 943-7541  
M – (613) 797-8254

Gestionnaire du programme des sites UXO  
i/Gestionnaire du programme des Désinvestissement de biens immobiliers  
Ministère de la Défense nationale  
W – (613) 943-7541  
M – (613) 797-8254

Please don’t hesitate to contact me as needed.

Regards, Deana

*Deana Grinnell*
Regional Director, Real Estate  |  Directrice Regional, Immobilier
**Canada Lands Company | Société immobilière du Canada**
4949 Heather Street, Suite 200, Vancouver BC V5Z 3L7  
4949 rue Heather, bureau 200, Vancouver BC V5Z 3L7  
T 604-257-0147  |  M 604-351-3562  |  www.clc.ca

---

**From:** Banthia, Vaibhav  |  [mailto:VBanthia@winnipeg.ca]
**Sent:** October-18-17  1:50 PM  
**To:** Deana Grinnell  
**Subject:** RE: Preliminary Design of Route 90 Widening: Project Update - Canada Lands Company

Hello Deana,

That’s perfectly fine. I am thinking having someone from City’s Real Estate Division attending this meeting will also add value.

*Vaibhav*
Hi Vaibhav, I have forwarded the meeting information to Robert Howald, EVP Real Estate for Canada Lands as he will be in Winnipeg for our earlier meeting and he may wish to attend. Kelsie Bishop is his assistant. Regards, Deana

-----Original Appointment-----
From: Banthia, Vaibhav [mailto:VBanthia@winnipeg.ca]  
Sent: Wednesday, October 18, 2017 7:56 AM  
To: Banthia, Vaibhav; Deana Grinnell; Burmey, Darren; Clark, Devin; King, Grantley (Grantley.King@wsp.com); DeweyPovoledo, Susanne  
Subject: Preliminary Design of Route 90 Widening: Project Update - Canada Lands Company  
When: Friday, November 03, 2017 4:30 PM-6:00 PM (UTC-06:00) Central Time (US & Canada).  
Where: Lounge/Restaurant at Fairmont Winnipeg, 2 Lombard Pl,

Thank you Deana for accommodating this meeting within your tight schedule.
23(1)(a)(b)(c)
23(1)(a)(b)(c)
23(1)(a)(b)(c)
23(1)(a)(b)(c)