

Subject: RE: Request for Waiving of Fees

Date: Mon, 6 Dec 2004 13:02:16 -0800

From: "Ernie Crist" <ernie_crist@dnv.org>

To: "Agnes Hilsen" <Agnes_Hilsen@dnv.org>, "James Ridge" <James_Ridge@dnv.org>, "Mayor and Council - DNV" <Council@dnv.org>

CC: "Angila Bains" <Angila_Bains@dnv.org>, <fonvca@fonvca.org>, <Cagebc@yahoo.com>

Ms Hilsen:

I suggest that the release of this information is in the public interest for the simple reason that there is a discrepancy between the fact that on one hand Staff in more than one report suggested that to prevent the establishment of liquor stores in certain areas Council must take certain immediate steps prior to the implementation of proposed government regulations, while on the other hand this item never came back for Council to implement such policies in a timely fashion.

As an elected representative I need to know exactly what happened and why this was not done. The public too is entitled to have this point clarified. This is a question of public trust. To this extent Mr. Dalton's request is a matter of public interest and of vital importance. In light of this I request that the fee be waived.

Mr. Dalton has also indicated that he does not need all the material but only certain parts and that he is willing to indicate to staff which is which. Mr. Dalton has also indicated that he is willing to come to your office to be of assistance. I believe that Mr. Dalton has shown his good will in resolving this matter without unnecessary additional cost to the taxpayers.

As an additional point I wish to EMPHASISE that this is NOT a Closed Door Agenda item since it has already been dealt with in public. This includes my concerns made in public.

In the event that you as Clerk are unwilling to concede this point I request that you consider this request as a formal motion to be presented as a Regular Council Agenda item.

Thank you,

Ernie Crist

> _____
> From: Agnes Hilsen
> Sent: Monday, December 06, 2004 11:15 AM
> To: Ernie Crist; James Ridge
> Cc: Angila Bains
> Subject: RE: Request for Waiving of Fees
>
> Councillor Crist:
>
> Thank you for your email dated December 3, 2004, regarding your
> request to waive the fee estimate issued to Mr. Dalton.
> The Freedom of Information and Protection of Privacy Act (the Act)
> provides that we may excuse the applicant from paying all or part of
> the fee if they cannot afford to pay or there are other reasons that
> justify excusing the fee, or if the record relates to a matter of
> public interest. The applicant has requested a fee waiver as he feels
> the records would relate to a matter of public interest. It is the
> responsibility of the applicant to provide proof to the public body
> that the records requested are for the overall interest of the public.
> The District has to consider whether the records relate to public

> health or safety or whether the record relates to the environment and
> release is in the public interest. Public interest, broadly defined,
> means that the issues in question in the records either are issues
> currently under discussion and/or analysis among the public or are
> issues that would generate such discussion, were the public aware of
> the material.
> The records the applicant is seeking strictly refer to the provincial
> policy on the re-locations of liquor stores.
> We are considering this request and have determined that it is not
> appropriate to grant a fee waiver in this instance in accordance with
> the Act.

> However, Council may chose to debate this outside of the scope of the
> Act. A notice of motion requesting that the fees be waived could be
> submitted for Council's consideration. Since this issue deals with a
> request under the FOI&POP Act, the notice of motion should be
> submitted and dealt with at a Closed meeting of Council.
> Alternatively, Mr. Dalton can ask the Information and Privacy
> Commissioner to review the District's decision not to waive the fee.

> If you have any questions, please contact me at 604-990-2207 or via
> email at hilsena@dnv.org.


> Agnes Hilsen
> Municipal Clerk
> District of North Vancouver
> 355 West Queens Road
> North Vancouver, B.C., V7N 4N5
> 604-990-2207
> FAX: 604-9467
> ahilsen@dnv.org

> From: Ernie Crist
> Sent: Friday, December 03, 2004 9:57 AM
> To: Agnes Hilsen; James Ridge
> Cc: 'jdalton@direct.ca'
> Subject:

> Ms Hilsen:
> Via email I asked that Mr Jeremy Dalton not be required to pay fees
> for the material he requested re the Liquor Store in Edgemont Village
> and which I understand would be in excess of one hundred dollars. I
> did so since his request in my opinion is in the interest of the
> public and Mr Dalton is providing a public service.

> I would appreciate the status of this matter.

> Thank you,
> Ernie Crist

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