



Toby
RECEIVED APR 24 1984

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April 17, 1984

Ms. Toby Vigod
Counsel
Canadian Environmental
Law Association
8 York Street
5th Floor South
Toronto, Ontario
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Dear Toby:

RE: BURLINGTON LANDFILL E.A.B. HEARING

I am in receipt of your letter of April 4, 1984 regarding access to the Ministry's regional files on the Burlington landfill site.

I am of the opinion that full disclosure of relevant information by all parties to a landfill hearing is essential for the efficient operation of the process. The Regional Municipality of Halton obviously holds the same view and, in that regard, has a policy of public disclosure of all studies and reports respecting the Burlington landfill site.

In my letter of March 26, 1984 to your researcher, Mr. Giorno, I provided a copy of the Provisional Certificate of Approval for the Burlington site and suggested that he contact our Approvals Branch regarding access to the documents listed in Schedule "A" to that certificate. Mr. Giorno has apparently not yet taken up that suggestion. I have also provided you with copies of all site inspection reports and other correspondence relating to site operations.

Nevertheless, there are reasonable limits to public access to Ministry files. To begin with, there is the requirement of confidentiality imposed on provincial officers by subsection 130(1) of the Environmental Protection Act. There is also the principle of solicitor-client privilege that applies to any communications between Ministry staff and this Branch. Another class of information which I would submit is

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properly not released is information obtained in confidence from other parties. This principle naturally applies to information received in confidence from other levels of government and other government agencies. Finally, certain inter-office memoranda and file notes are prepared solely for the use of Ministry personnel and are never intended for public release.

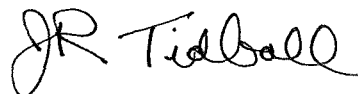
In an effort to balance the competing interests, I am prepared to offer you full access to the Ministry's regional files on the Burlington landfill site with the following exceptions:

- (a) any material which is solicitor-client privileged;
- (b) any material obtained in confidence from the Regional Municipality of Halton;
- (c) all inter-office and inter-Ministry memoranda and file notes, except those relating to site operations which have been previously provided to you.

I trust that this will be sufficient for your purposes. Given the time constraints involved with this application, I would be disappointed to see the issue of access to Ministry files become a major issue, when it is really not relevant to the issues the Board must address. If you remain of the opinion that the issue is important enough to raise with the Board, I would suggest that the pre-hearing conference on April 26th would be the appropriate forum.

I look forward to your further comments on this matter.

Yours truly



John R. Tidball
Solicitor
Legal Services Branch

JRT/gg

cc: Mr. H.D. Hodgson
Osler, Hoskin & Harcourt

Mr. D.C. Brown
City Solicitor
City of Burlington