



VIA Rail Canada**

Montréal, October 24, 2014

BY REGULAR MAIL
(by email : chrisale@gmail.com)

Christopher Alemany
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Emmanuelle Mercier

📞 514-871-6112

RE: Access to information request number 14-1451 AI (D)

Dear Mr. Alemany,

We acknowledge that your request for information under the *Access to Information Act* ("ATIA") dated September 23, 2014, was received by VIA Rail Canada Inc. ("VIA Rail") on October 6, 2014, for the following records:

"Please provide the Transportation Service Agreement signed between VIA Rail and Southern Railway of Vancouver Island Corridor Foundation in 2014.

Also please provide any written or electronic correspondence between VIA Rail and the signing parties in relation to completion of the above agreement that occurred since the Malahat rail service was suspended in 2011".

NOTICE OF EXTENSION

Please note that VIA Rail will need to consult with third parties to respond to first part of your access to information request, regarding the Transportation Service Agreement of Vancouver Island. As a result, VIA Rail is herein providing you with this notice of extension, as required under section 9 of the *ATIA*, recognizing that it will not be able to reasonably complete your request for access within the original time limit of 30 days. However, VIA Rail will attempt to complete the disclosure of the documentation requested by December 4, 2014.

APPLICATION FEES

In order to process the second part of your request regarding written and electronic correspondence, VIA Rail is permitted to charge for fees under section 11 of the *ATIA* and section 7 of the *Access to Information Regulations* ("ATIR").

It has been estimated that a total of 78 hours^[1] would be required to search and locate the information you have requested. Please note that the cost for the first 5 hours would be borne by VIA Rail. Therefore, 73 hours would be charged at a rate of \$10 per hour for a total cost of \$730.

If you would like us to continue processing your request, it will therefore be necessary to provide a deposit of \$365 (50% of the estimated fees) by way of check or money order payable to "**VIA Rail Canada Inc.**". The remaining 50% will be payable at the end of our processing and before the release of the information. Should the cost to process your request be less than the deposit paid, you would, of course, be reimbursed for any overpayment made. We will refrain from processing your request further pending receipt of your check, so that resources will not be inappropriately applied for records you may not wish to receive. In the absence of such check by November 3rd, 2014, the second part of your request will be considered abandoned.

COMPLAINT TO THE INFORMATION COMMISSIONER OF CANADA

Finally, please be advised that if you are not satisfied with the processing of or with the amount required by VIA Rail for the processing of your request, you may file a complaint with the Information Commissioner of Canada, in accordance with the requirements of section 31 of the *ATIA*, which reads as follows:

"31. A complaint under this Act shall be made to the Information Commissioner in writing unless the Commissioner authorizes otherwise. If the complaint relates to a request by a person for access to a record, it shall be made within sixty days after the day in which the person receives a notice of a refusal under section 7, is given to access to all or part of the record or, in any other case, becomes aware that grounds for the complaint exist."

Notice of complaint should be addressed to the following address:

*Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3
E-mail: general@oic-ci.gc.ca*

Before submitting a complaint pursuant to the *ATIA* to the *Information Commissioner of Canada*, you may contact us to obtain more information regarding the handling of your access to information request. Considering that many complaints are settled by clearing up misinterpretations or errors, this prior communication may avoid endless and unnecessary delays for both parties.

^[1] (13 individuals* ± 6 hours to reactivate and search through mailboxes) = 78 hours.

We thank you in advance for your understanding in this regard and trust that the above is in order.

Best regards,

VIA Rail Canada Inc.

A handwritten signature in cursive script, appearing to read "Emmanuelle Mercier".

Emmanuelle Mercier
Access to Information and Privacy Officer
VIA Rail Canada

*Enclos.: Access to Information Act: Sections 9 & 11
Access to Information Regulations: Section 7*

Access to Information Act

Extension of time limits

9. (1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,

(b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or

(c) notice of the request is given pursuant to subsection 27(1)

by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

Notice of extension to Information Commissioner

(2) Where the head of a government institution extends a time limit under subsection (1) for more than thirty days, the head of the institution shall give notice of the extension to the Information Commissioner at the same time as notice is given under subsection (1).

1980-81-82-83, c. 111, Sch. I “9”.

Fees

11. (1) Subject to this section, a person who makes a request for access to a record under this Act may be required to pay

(a) at the time the request is made, such application fee, not exceeding twenty-five dollars, as may be prescribed by regulation;

(b) before any copies are made, such fee as may be prescribed by regulation reflecting the cost of reproduction calculated in the manner prescribed by regulation; and

(c) before the record is converted into an alternative format or any copies are made in that format, such fee as may be prescribed by regulation reflecting the cost of the medium in which the alternative format is produced.

(2) The head of a government institution to which a request for access to a record is made under this Act may require, in addition to the fee payable under paragraph (1)(a), payment of an amount, calculated in the manner prescribed by regulation, for every hour in excess of five hours that is reasonably required to search for the record or prepare any part of it for disclosure, and may require that the payment be made before access to the record is given.

(3) Where a record requested under this Act is produced as a result of the request from a machine readable record under the control of a government institution, the head of the institution may require payment of an amount calculated in the manner prescribed by regulation.

(4) Where the head of a government institution requires payment of an amount under subsection (2) or (3) in respect of a request for a record, the head of the institution may require that a reasonable proportion of that amount be paid as a deposit before the search or production of the record is undertaken or the part of the record is prepared for disclosure.

(5) Where the head of a government institution requires a person to pay an amount under this section, the head of the institution shall

(a) give written notice to the person of the amount required; and

(b) state in the notice that the person has a right to make a complaint to the Information Commissioner about the amount required.

(6) The head of a government institution to which a request for access to a record is made under this Act may waive the requirement to pay a fee or other amount or a part thereof under this section or may refund a fee or other amount or a part thereof paid under this section.

R.S., 1985, c. A-1, s. 11;

1992, c. 21, s. 2.

Access to Information Regulations

FEES

7. (1) Subject to subsection 11(6) of the Act, a person who makes a request for access to a record shall pay

(a) an application fee of \$5 at the time the request is made;

(b) where applicable, a fee for reproduction of the record or part thereof to be calculated in the following manner:

(i) for photocopying a page with dimensions of not more than 21.5 cm by 35.5 cm, \$0.20 per page,

(ii) for microfiche duplication, non-silver, \$0.40 per fiche,

(iii) for 16 mm microfilm duplication, non-silver, \$12 per 30.5 m roll,

(iv) for 35 mm microfilm duplication, non-silver, \$14 per 30.5 m roll,

(v) for microform to paper duplication, \$0.25 per page, and

(vi) for magnetic tape-to-tape duplication, \$25 per 731.5 m reel; and

(c) where the record or part thereof is produced in an alternative format, a fee, not to exceed the amount that would be charged for the record under paragraph (b),

(i) of \$.05 per page of braille, on paper with dimensions of not more than 21.5 cm by 35.5 cm,

(ii) of \$.05 per page of large print, on paper with dimensions of not more than 21.5 cm by 35.5 cm,

(iii) of \$2.50 per audiocassette, or

(iv) of \$2 per microcomputer diskette.

(2) Where the record requested pursuant to subsection (1) is a non-computerized record, the head of the government institution may, in addition to the fee prescribed by paragraph (1)(a), require payment in the amount of \$2.50 per person per quarter hour for every hour in excess of five hours that is spent by any person on search and preparation.

(3) Where the record requested pursuant to subsection (1) is produced from a machine readable record, the head of the government institution may, in addition to any other fees,

require payment for the cost of production and programming calculated in the following manner:

(a) \$16.50 per minute for the cost of the central processor and all locally attached devices; and

(b) \$5 per person per quarter hour for time spent on programming a computer.

SOR/86-454, s. 1;

SOR/92-687, s. 1.