

Airdrie, Alberta
August 5, 2019

MY FILE: 020

Office of the Information and Privacy Commissioner of Alberta
2460, 801 6th Avenue SW
Calgary, Alberta
T2P 3W2

Dear Commissioner:

Re: REQUEST FOR REVIEW – MUNICIPAL AFFAIRS FOIP FILE: 2019-G-0018

Please find attached the following information in support of my request:

1. My completed Request for Review form.
2. A copy of my revised FOIP request dated April 20, 2019.
3. A copy of the Government Services 38-page response is available at this URL link:
<https://dennisryoung.ca/2019/07/09/foip-damage-claims-documents-regarding-high-river-forced-entries/>

I am requesting a review because I believe Municipal Affairs failed to conduct a complete search for the records I requested. I believe records regarding the following issues should have been included:

1. Below are links to FOIP and ATIP responses showing the number and amounts of the damage claims filed with the RCMP and the number and amounts paid out by Alberta Municipal Affairs. The damage claims were a direct result of the RCMP forced entries into High River homes. The RCMP processed **2,210 damage claims** from High River homeowners approving all but two **costing taxpayers \$2,455,815.04**.
 - Where are the copies of records showing how these claims were authorized and approved by the Minister and or officials in the Ministry?
 - Where are copies of the records showing which level of government actually paid out the \$2.45 million?

RCMP DOOR-KICKING SPREE IN HIGH RIVER COST TAXPAYERS \$2.45 MILLION

Municipal Affairs FOIP response April 3, 2018 – Claims Paid Out = 1,580 Total Amount Paid = \$2,455,815.04 Largest Single Claim = \$63,001.06 <https://dennisryoung.ca/2018/04/13/rcmp-door-kicking-spree-high-river-cost-taxpayers-2-45-million/>

RCMP EXCEL SPREADSHEET WITH 2,210 HIGH RIVER DAMAGE CLAIMS TOTALING MORE THAN \$2.5 MILLION - 50 Damage Claims Over \$5,000 - Largest Single Claim = \$201,870.57 <http://dennisryoung.ca/wp-content/uploads/2015/11/RCMP-High-River-Forced-Entry-Damage-Claims-A-2014-08266-Nov-4-2015.xlsx>

2. The Alberta RCMP revised their policies as a result of their forced entries of High River homes that resulted in damage claims being filed by 2,210 homeowners. See a draft copy in this revised policy paper at this link:
<https://nfa.ca/wp-content/uploads/2015/09/RCMP-ATI-Response-Draft-Emergency-Policy-for-Alberta-June-25-2014.pdf>

TORONTO SUN - MOUNTIES TO MAKE GUN GRABS POLICY- No policy manual can justify what happened in High River. By Lorne Gunter, QMI Agency - Saturday, July 12, 2014

<http://www.torontosun.com/2014/07/11/mounties-to-make-gun-grabs-policy>

- Where are copies of the Municipal Affairs records of their review of this revised Alberta RCMP evacuations policy paper?
- Where are copies of any revised policies and directives issued by Municipal Affairs as a result of the damage claims caused by forced entries initiated by the RCMP in High River and aided and abetted by the Canadian Armed Forces personnel?
- Where are copies of the records investigating and explaining why High River was the only community to have their doors kicked in by police but not in any of the other 30 communities that were flooded in June of 2013?

3. Page 037 of the Municipal Affairs FOIP response states: *“The allowance of the RCMP to enter a private residence falls under the Emergency Management Act which is Municipal Affairs legislation.”* The Act says “building” – Not ‘private residence’ and this legal opinion is contradicted by the Alberta Property Rights Advocate. In June of 2014, the Alberta Property Rights Advocate issued his report on the High River Forced Entries. <https://dennisyoung.ca/2015/09/09/high-river-forced-entries-alberta-property-rights-advocate-reports/>

He made the following: RECOMMENDATION 2013.05 – *“that the Legislature amend the Emergency Management Act to clarify and affirm the consistent respect for and deference to private property rights, even in the face of an emergency situation. Specifically, it is recommended that section 19 of the Act be amended to confirm that a natural disaster does not create licence to disregard the property rights of individual Albertans, nor does it absolve the authorities from a responsibility to follow the due process of law (including the need to obtain Ministerial authorization) if any encroachments do become necessary as an emergency response.”*

- Where are copies of the records the Municipal Affairs analysis of (a) the of the Alberta Property Rights Advocates High River annual reports 2013 and 2014, (b) his property rights amendment to legislation and (c) the legislative committee meetings and vote with respect to his amendment?
 - Where are copies of the records showing when ministerial approval required by police for the forcible entry of homes during an emergency evacuation order or, alternatively, copies of records showing why ministerial approval is not required by police to forcibly enter homes during an emergency evacuation order?
4. Page 037 of the Municipal Affairs FOIP response states: *“The allowance of the RCMP to enter a private residence falls under the Emergency Management Act which is Municipal Affairs legislation.”* However, on June 25, 2013 Justice Minister Denis did not hold this same legal opinion when he asked his Deputy Minister: ***“What legal authority do the police rely upon to forcibly enter private property in the flood-stricken area?”*** Further to this, Alberta Justice and Solicitor General are now withholding a Crown paper that would answer Minister Denis’ question by declaring the paper as *‘Privileged Information.’*
- Where are copies of the Municipal Affairs records that clarify these two contradictory legal opinions and affirm that their FOIP response provides the correct interpretation of the Emergency Management Act?
5. On October 25, 2014, Lacombe Lawyer Rick Hemmingson, J.D. Published His Column: ***“Who Authorized RCMP To Make Warrantless Entries Into High River Homes During The 2013 Flood?”*** ‘This précis examines one of the more recent claims from the RCMP - that they were carrying out warrantless searches for stranded people and pets under lawful direction given to them by the High River Emergency Operations Centre; likely the Director of the Town of High River Emergency Operation Centre (EOC) and/or the RCMP High River incident commander. Regardless of their long titles, these persons, and anyone else who was part of the Town’s EOC, must act within the law. On that basis, it turns out this latest justification for their action doesn’t quite hold water.’ <http://canadafreepress.com/article/who-authorized-rcmp-to-make-warrantless-entries-into-high-river-homes-durin>
- Where are the copies of the records with the review and legal analysis completed by Municipal Affairs of Mr. Hemmingson’s paper?
6. Page 028 of the Municipal Affairs response states: *“The Province of Alberta, as a contracting partner for the services of the RCMP, will work with the CPC to ensure that sufficient accountability to Alberta and its’ citizens results from the independent review.”*

However, the following statement from the second page of the Municipal Affairs cover letter contradicts this promise: *“In addressing the following part of your scope: “whether or not the corrective action restored trust in the RCMP among the High River residents who suffered the consequences of those mistakes”, the ministry did not locate any responsive records in their custody and/or control as the ministry would not undertake an assessment of the relationship between the RCMP and residents of High River. The actions taken by the RCMP in High River during the flood response and any resulting corrective actions that the RCMP may have*

taken in response to those actions would be under their jurisdiction and records relating to this matter should be requested from the RCMP.”

Below is the link to the response I received from the Commissioner of the RCMP stating the Force is not interested in taking the steps necessary to rebuild trust in the RCMP among High River residents.

<https://dennisryoung.ca/2018/05/20/high-river-luckis-letter-shows-lack-concern-rebuilding-trust-rcmp/>

- If the RCMP isn't interested in taking the corrective action necessary to rebuild trust among High River residents, how can the Alberta Government ignore taking steps to fix the problem before the next emergency is declared?
- Where are copies of the records at Municipal Affairs showing that officials worked with RCMP and *the CPC to ensure that sufficient accountability to Alberta and its' citizens results from the independent review.*”

Sincerely,

[Original signed by]

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