



Energy, Mines and Resources  
PO Box 2703, Whitehorse, Yukon Y1A 2C6

February 8, 2024

Applicant c/o  
Access and Privacy Officer  
Corporate Information Management, ATIPP Office

### **Final Response ATIPP Access Request 23-487**

The Department of Energy, Mines and Resources has searched Lands Branch and Client Services and has identified records responsive to Access Request 23-487 noted below:

"On July 23, 1991, Minister Maurice Byblow corresponded with Minister Joyce Hayden regarding Life Estate Leases in the escarpment area of Whitehorse. He wrote, in part, that "life estate leases were considered in situations where problems occurred, such as dangerous or hazardous properties where Government may become liable for damages, poor sewage disposal areas and lake and river front properties. The Review Panel, Appeal Board and myself as final authority felt very comfortable with these leases as it allowed Squatters an opportunity to control land to protect their improvements in areas where normally tenure would not be granted. I still feel comfortable with this position." Please provide the information and correspondence (background casework, briefing notes, discussion papers, cabinet submissions, memos, letters, emails, etc.) about and related to this correspondence, and any discussion or reference to this correspondence within the past 36 months at the Department. Thank you! Timeframe: January 1, 1987 to January 1, 2024

### **ADDITIONAL INFORMATION:**

Question from Dept: Are you looking for records spanning a nearly 40 year time-frame or only from a 36 month period on either side of the July 23, 1991 correspondence date?

If it is the '87-'94 timeframe, it is likely that many of the records you're looking for will be at the Yukon Archives as they are several administrations old now. I can certainly continue with this request if you would like, but I cannot say how many will actually be responsive given the age of the information in question.

Response from App: 1. A request for the information and correspondence (background casework, briefing notes, discussion papers, cabinet submissions, memos, letters, emails, etc.) about and related to this correspondence. As in, from around July 1991. There is likely a letter from Hayden, a briefing note, the response letter from the Minister, and possibly other related discussion.

2. In the past 36 months counting back from the date of submission Jan 1, 2024, has there been any discussion or reference to this correspondence within the past 36 months at the Department of Energy, Mines and Resources. (The Manager of Client Services at the Lands Branch will be a place to start, since I corresponded with that person directly about the document.)

Question from Dept: That makes much more sense, I appreciate the clarification. For #1, it is highly unlikely that we have anything from that time at a ministerial level, much of it would be at the Yukon Archives. Would you still like me to include it in the search or would you like me to just do #2?

Response from App: Please include #1 and #2 in the search. In previous ATIPP requests, your office has checked internally and if nothing is responsive to the request, has provided the filing location of the responsive documents at the Yukon Archives. My experience is that your office provides excellent service in this regard."

### Decision

The Designated Head of the Department of Energy, Mines and Resources has approved the following response to this request:

### Access Granted in Full

### Final Costs

There is no charge to the applicant.

### **Right to Complain**

Pursuant to section 66 of the Access to Information and Protection of Privacy Act you may contact Yukon's Information and Privacy Commissioner with a complaint in respect to this response. Section 66 states:

*An applicant may, in respect of the head of a responsive public body's response to their access request under section 64, make a complaint to the commissioner by filing the complaint in accordance with section 90.*

Should you wish to do so, please refer your written complaint within 30 business days to the Information and Privacy Commissioner at:

#### **Yukon Information and Privacy Commissioner**

3162 Third Avenue, Main Floor, Whitehorse, Yukon Y1A 1G3

E-mail: [intake@yukonombudsman.ca](mailto:intake@yukonombudsman.ca)

Phone: (867) 667-8468; (toll free: 1-800-661-0408 ext. 8468)

### **Contact Person in Department**

If the applicant has any questions, please contact the Designated Access Officer for Department of Energy, Mines, and Resources at [emr-atipp@yukon.ca](mailto:emr-atipp@yukon.ca).

### **Summary of Redactions**

ATIPP Access Request **23-487**

Records Summary	
Initial Page Count:	10
Duplicates:	3
Not responsive:	0
Final Page Count:	7