

SUPREME COURT OF NOVA SCOTIA

Citation: *Stewart v. Nova Scotia (Community Services) #2*, 2024 NSSC 182

Date: 20240628

Docket: 529867 and 529868

Registry: Halifax

Between:

Julissa Stewart

Appellant

v.

The Minister of Community Services

Respondent

APPEAL DECISION

Freedom of Information and Protection of Privacy Act

Judge: The Honourable Justice Scott C. Norton

Heard: June 19, 2024, in Port Hawkesbury, Nova Scotia

Decision: June 28, 2024

Counsel: Julissa Stewart, self-represented Appellant
Agnes MacNeil, KC, for the Respondent

By the Court:

INTRODUCTION

[1] Ms. Stewart brought two separate appeals under the Nova Scotia Freedom of Information and Protection of Privacy Legislation in proceedings, both filed in Port Hawkesbury and heard together. In each appeal she challenges the decision of the Minister of Community Services. Most appeals under the legislation take issue with redactions of information, challenging whether they were properly exempted from disclosure. This is not what this appeal is about. Ms. Stewart instead is challenging the Minister’s refusal to duplicate disclosures previously given or sought.

[2] Ms. Stewart has made numerous requests for information under the legislation related to herself or her daughter. Many overlap with several other requests already filed. In the two requests currently under appeal, one in each court proceeding, virtually all of the documents requested were already within the scope of other requests. The exception was a six-day period between December 4th and 9th in 2023. No records were found for that date range.

[3] The issue raised in both appeals by Ms. Stewart is whether the Minister “altered” her request by not disclosing all the documents, once in response to an earlier request and again for the requests which are the subject of these appeals.

[4] The Minister did not alter Ms. Stewart’s requests and accordingly I dismiss both appeals.

ANALYSIS

[5] The two requests that are the subject matter of these two appeals overlap significantly, both seeking “any and all communications and correspondence” regarding Julissa Stewart, and her biological daughter, both for the same date ranges. Further, with the exception of a six-day date range, the two requests overlap completely with prior requests.

[6] Identical responses to the two requests related to these appeals were provided to Ms. Stewart by decisions dated January 10, 2024. The decisions indicated that the only dates that were not already being addressed by other requests made by Ms. Stewart were between December 5th and December 9th, 2023. As there were no additional documents found as a result of the search for the records requested in that

date range, no documents were returned. The decisions advised that the documents which were covered by the other requests were or would be produced in response to those requests in due course.

[7] A summary of the requests and associated date ranges is below:

Request number	Start date of Range	End date of Range
2023-10101-COM	Dec. 31, 2009	Feb. 20, 2023
2023-10514-COM	Jan. 1, 2018	August 29, 2023
2023-10660-COM	Feb. 8, 2022	Nov. 4, 2023
2023-10732-COM	Nov. 1, 2023	Dec. 5, 2023
2023-10745-COM	January 1, 2022	Dec. 9, 2023
2023-10746-COM	Dec. 31, 2021	Dec. 9, 2023

[8] As stated above, identical responses to the two requests related to these appeals were provided to Ms. Stewart by decisions dated January 10, 2024. No records were found in response to the requests for the date range December 4, 2023 to December 9, 2023, and the rest of the requests were already covered by the previous other requests. It was not stated in the decision letters, but Ms. Stewart had also already received numerous of the same records through the request filed in 2023 which she had already appealed to this Court.

ISSUE: DID THE MINISTER “ALTER” THE REQUEST BY NOT PRODUCING RECORDS PREVIOUSLY REQUESTED?

[9] The Minister did not “alter” Ms. Stewart’s requests such that they did not respond to the requests made.

[10] I canvassed the relevant legal principles and statutory references respecting numerous overlapping requests in *Pottie v. Nova Scotia (Community Services)*, 2024 NSSC 181.

[11] As in *Pottie*, I find in respect of the two appeals before the Court that there is no refusal to provide Ms. Stewart with the records she has requested and no “alteration” of her requests. With respect, Ms. Stewart’s requests have been responded to or are in the process of being responded to. The filing of numerous overlapping requests has actually slowed down the response time as staff must parse through the requests and cross-reference pieces of them to other requests. The only refusal is to duplicate the work by conducting two, three or more independent searches for the same documents and provide duplication (or triplication) of

disclosures. While Ms. Stewart is entitled to request the documents that government has relating to her, within the confines of the *Freedom of Information and Protection of Property Act*, S.N.S. 1993, c.5, she does not have the right to ask for repeated production of the same documents.

[12] The two appeals are accordingly dismissed.

[13] The Minister does not seek costs on the Appeals today and accordingly none are awarded.

Norton, J.