

WEST NEWFOUNDLAND REGIONAL APPEAL BOARD

URBAN AND RURAL PLANNING ACT

APPEAL

BETWEEN Richard Butt **Appellants**

AND Town of Pasadena **Respondent**

RESPECTING Conditional Approval

BOARD MEMBERS Gary Parsons – Acting Chair
Joseph Guinchard – Member
Bill Madore – Member

DATE OF HEARING April 10, 2015

IN ATTENDANCE

Richard Butt – Appellant
Jonathan Andrews – Solicitor for Authority
Lindsay Church - Technical Advisor to the West Newfoundland Regional Appeal Board
Robert Cotter - Secretary to the West Newfoundland Regional Appeal Board

DECISION

Facts/Background

This appeal arises from the Town of Pasadena conditionally approving Richard Butt's application to construct a single dwelling at 9-13 Bonnell Drive. The Town considered and approved Mr. Butt's application at the June 2, 2014 Regular Meeting of Council, subject to conditions. The Town notified Mr. Butt of its decision in a letter dated June 4, 2014.

On June 11, 2014, in accordance with section 42(4) of the Urban and Rural Planning Act, 2000, Mr. Butt filed an appeal with the West Newfoundland Regional Appeal Board against the Town of Pasadena's decision to conditionally approve his application. The appeal was made in writing and included the following: a summary of the decision being appealed; grounds for the appeal; and the appeal filing fee as required under section 42(5) of the Urban and Rural Planning Act, 2000.

In accordance with the *Urban and Rural Planning Act, 2000* a public notice of the appeal was published in the *Western Star* on March 7, 2015 and a notice of the time, date, and place of the Hearing was provided to the appellant and authority on March 6, 2015.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Minister's Development Regulations, 2000

Town of Pasadena Municipal Plan and Development Regulations, 2009

Matters presented to and considered by the Board

Did the Town have the authority to attach conditions to Mr. Butt's approval?

The Board reviewed the Town of Pasadena Development Regulations, 2009 and confirmed that the Town has the discretionary authority to attach conditions to a development approval as per section 21(2) of the Town's Development Regulations. Section 21(2) states:

The Council may attach conditions to a Permit to Develop to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.

Did the Town have the authority to require the appellant to extend water and sewer services along Bonnell Drive?

The Board accepts that the Town is required to make development decision in accordance with the Town's policies and regulations outlined in the Town of Pasadena Municipal Plan and Development Regulations. The Board reviewed the Municipal Services Policies of the Town's Municipal Plan outlined in section 5.1 and section 5.2. Section 5.1 of the Town's Municipal Plan states that all new development "will be hooked into the Town's sewage collection system." Additionally, section 5.1 requires the developer to carry out the installation of the sewage collection system in accordance with Town standards. Section 5.2 of the Town's Municipal Plan requires "water service[s] be extended to all new development with the responsibility for installation lying with the private developer."

Based on section 5.1 and 5.2, the Board finds that the Town had the authority to require Mr. Butt to extend water and sewer services along Bonnell Drive.

Conclusion

In arriving at its decision, the Board reviewed the submissions provided by the appellant and the authority, along with the technical information and planning advice.

The Board is bound by Section 42 of the *Urban and Rural Planning Act* and therefore must make a decision that complies with the applicable legislation, policy and regulations.

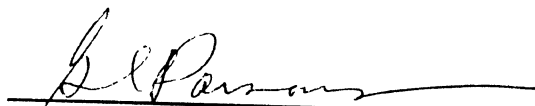
Based on its findings, the Board determined that the Town of Pasadena had the authority, and exercised its discretion appropriately, when it issued a conditional approval to Mr. Richard Butt to develop a single dwelling at 9-13 Bonnell Drive.

ORDER

Based on its findings, the Board orders that the Order dated October 15, 2014 issued by the Town of Happy Valley – Goose Bay to Bruce and Bonnie Roberts, be confirmed.

The Town of Happy Valley-Goose Bay is bound by this decision of the West Newfoundland Regional Appeal Board which is binding on all parties.

DATED at Deer Lake, Newfoundland and Labrador, this 8th day of April, 2015.



Gary Parsons, Acting Chair
West Newfoundland Regional Appeal Board



Joseph Guinchard, Member
West Newfoundland Regional Appeal Board



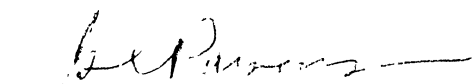
Bill Madore, Member
West Newfoundland Regional Appeal Board

ORDER


Based on the information presented, the Board orders that the decision made by the Town of Pasadena on June 2, 2014 to conditionally approve the application submitted by Richard Butt for the purpose of developing a single dwelling at 9-13 Bonnell Drive, be confirmed.

The Town of Pasadena is bound by this decision of the West Newfoundland Regional Appeal Board which is binding on all parties.

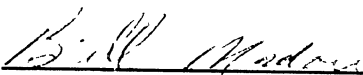
DATED at Deer Lake, Newfoundland and Labrador, this 10th day of April, 2015.



Gary Parsons, Acting Chair
West Newfoundland Regional Appeal Board



Joseph Guinchar, Member
West Newfoundland Regional Appeal Board



Bill Madore, Member
West Newfoundland Regional Appeal Board