

**WEST NEWFOUNDLAND REGIONAL APPEAL BOARD**

**URBAN AND RURAL PLANNING ACT, 2000**

**APPEAL**

**BETWEEN** John Staples **Appellant**

**AND** City of Corner Brook **Authority**

**RESPECTING** An order to stop all work immediately and submit the required documentation regarding the construction of a rock pad.  
File # 15-006-057-023

**BOARD MEMBERS** Chair – Lloyd Walters  
Member – Helen Reid  
Member – Leona Gillette

**DATE OF HEARING** February 21, 2019

**IN ATTENDANCE**

John Staples, Appellant  
Carlson Way, P.Eng. For the Appellant  
Tyson Murley, Contractor, For the Appellant

Lorilee Sharpe, Solicitor for the City of Corner Brook  
Deon Rumbolt, Manager, Land Planning, City of Corner Brook

Robert Cotter, Secretary, West Newfoundland Regional Appeal Board  
Christopher Hardy, Technical Advisor to the West Newfoundland Regional Appeal Board

## **DECISION**

### **Facts/Background**

John Staples, the Appellant, had a "rock pad" for a residential foundation constructed at 36 Water Street in the City of Corner Brook. The City issued an order on September 10, 2018 to stop construction of the "rock pad" and submit required engineering drawings to the City for review.

The Order outlined the following:

"That the rock pad being constructed did not conform to the approved drawings, that the drawings submitted on September 9, 2018 were not acceptable to the City, that Section 30 of the City of Corner Brook Development Regulations gives the City the authority to issue orders, that Section 102 of the *Urban and Rural Planning Act, 2000* also gives the City the authority to issue orders."

On September 18, 2018 Appellant sent a letter to the City seeking clarification on the regulations that the Appellant is in contravention of. On September 21, 2018 the appellant registered an appeal of the stop work order with the Secretary of the Regional Appeal Boards.

### **Legislation, Municipal Plans and Regulations considered by the Board**

*Urban and Rural Planning Act, 2000*

*City of Corner Brook Development Regulations*

*City of Corner Brook Act, 1990*

### **Matters presented to and considered by the Board**

While it was not included in the original grounds for his appeal, during the hearing the appellant raised an issue of bias by the city and provided a brief to support his allegation. He indicated that the city was not applying its regulations consistently to all development within the city. In a letter from the City of Corner Brook, attached to Mr. Staples brief, Deon Rumbolt, the Manager of Planning and Development for the city states:

*"...we can advise you that the same building standards apply for all properties within our boundaries."*

Based on the evidence presented to the board it can find no evidence of bias in the decision to issue a stop work order to Mr. Staples.

**Q.** Did the City have the authority to issue the order?

**A:** Yes, Section 24(1) of the City of Corner Brook Development Regulations gives the City the authority to issue Development Permits.

*"24(1) .DEVELOPMENT PERMIT: A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder."*

Section 24(2) gives the City the authority to attach conditions to Development Permits.

*"The Authority may attach to a permit or to outline planning permission such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations."*

Section 30 gives the City the authority to issue orders.

**"STOP WORK ORDER AND PROSECUTION"**

*(1) Where a person begins a development contrary to these Regulations, the Authority may order that person to stop the development or any work connected therewith pending final adjudication in any prosecution arising out of the development.*

*(2) A person who does not comply with an order made under Regulation 30(1) is guilty of an offence under the provisions of the Act.*

*(3) Orders so issued under Regulation 30(1) shall be confirmed by the Authority at the first meeting of Council following the issuance of the order."*

Both parties agreed at the hearing that a condition of the permit was not complied with as there was a material change from the original design submitted and under which the permit was issued. The appellant, Mr. Staples and his engineer, Mr. Way both agreed that shale rock was used to form the rock pad rather than the crushed rock as specified in the original design.

## **Conclusion**

In arriving at its decision, the Board reviewed the submissions and comments given by all parties present along with the technical information and planning advice.

The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must make a decision that complies with the applicable legislation, policy and regulations.

Based on its findings, the Board determined that the City of Corner Brook was acting within its authority under the City of Corner Brook Development Regulations when it issued the stop work order to Mr. Staples on September 10, 2018 for the property located at 36 Water Street.

Therefore, the Board confirms the Respondent's decision to issue the Stop Work Order.

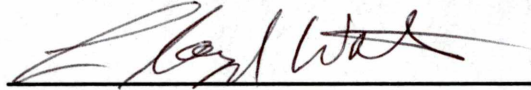
**Order**

Based on the information presented, the Board orders that the decision of the City of Corner Brook, of September 10, 2018 pertaining to property at 36 Water Street, Corner Brook be confirmed.

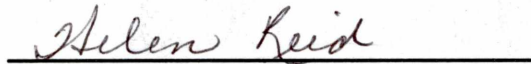
The Respondent and the Appellant(s) are bound by this decision of the West Newfoundland Regional Appeal Board.

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the West Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador on a question of law or jurisdiction. If this action is contemplated, the appeal must be filed no later than ten (10) days after the Board's decision has been received by the Appellant(s).

**DATED** at Deer Lake, Newfoundland and Labrador, this 21st day of February, 2019.



**Lloyd Walters, Chair**  
**West Newfoundland Regional Appeal Board**



**Helen Reid, Member**  
**West Newfoundland Regional Appeal Board**



**Leona Gillette, Member**  
**West Newfoundland Regional Appeal Board**