

CENTRAL NEWFOUNDLAND REGIONAL APPEAL BOARD

URBAN AND RURAL PLANNING ACT, 2000

APPEAL

BETWEEN George Yates **Appellant(s)**

AND Town of Springdale **Respondent**

RESPECTING Order 107 Corporal S. Bouzane Boulevard (Little Bay Road),
Springdale, NL

BOARD MEMBERS Stephen Burbridge, Chair
Bill Carter, Member
Gerald Thompson, Member

DATE OF HEARING April 9, 2019

IN ATTENDANCE

Appellant(s): George Yates
Mr. Robert Regular, Solicitor for George Yates

Authority: Jason Sparks, CAO, Town of Springdale
Shawn Colbourne, solicitor for the Town of Springdale
Dave Edison, Mayor, Town of Springdale
Chris Sargent, Exploits Engineering Consultants Ltd.

Secretary to the Central Newfoundland Regional Appeal Board: Robert Cotter
Technical Advisor to the Central Newfoundland Regional Appeal Board: Christopher Hardy

DECISION

Facts/Background

Town of Springdale (the Authority) issued an order to George Yates (the Appellant) in October of 2012 to “tidy up [his] property located on the Commercial Strip off Little Bay Road and to maintain it in such a manner as to enhance the area”. The Appellant appealed the Order in 2013. The Central Newfoundland Regional Appeal Board heard the appeal on May 1, 2013 and upheld the Town’s Order. The Appellant appealed the Board’s decision to the Supreme Court of Newfoundland and Labrador Trial Division. Justice Raymond. P. Whalen heard the case on December 13, 2013 and upheld the Board’s decision.

The Appellant is appealing the Order a second time because the Town sent the Appellant a letter highlighting that the Order had not been addressed.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Urban and Rural Planning Act, 2000
Town of Springdale Development Regulations
Municipalities Act, 1999

Matters presented to and considered by the Board

The Appellant is appealing the Order on the following grounds:

- 1. Did the Central Newfoundland Regional Appeals Board have the jurisdiction to hear the appeal between George Yates and the Town of Springdale concerning the Clean Up Order at 107 Cpl Bouzane Blvd in the Town of Springdale appeal?**

After careful consideration the Board determined that it did not have the jurisdiction to hear this appeal. The letter sent to Mr. Yates on July 23, 2018 did not contain any new order or action. The letter simply referenced a prior appeal that had already been heard by the Central Newfoundland Regional Appeals Board and subsequently by the Supreme Court of Newfoundland (Yates v. Central Newfoundland Regional Appeal Board, 2013).

The Board does not have jurisdiction to confirm, reverse or vary the decision of the Supreme Court of Newfoundland under Section 42(10) URPA, 2000 and cannot make a decision regarding the appeal.

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 it did not have the jurisdiction to hear this appeal. The letter sent to Mr. Yates on July 23, 2018 did not contain any new order or action. The letter simply referenced a prior appeal that had already been heard by the Central Newfoundland Regional Appeals Board and subsequently by the Supreme Court of Newfoundland (*Yates v. Central Newfoundland Regional Appeal Board, 2013*).

The Board does not have jurisdiction to confirm, reverse or vary the decision of the Supreme Court of Newfoundland under Section 42(10) URPA, 2000 and cannot make a decision regarding the appeal.

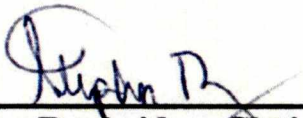
Order

Based on the information presented, the Board is unable to confirm, reverse or vary the Council decision that is the subject of this appeal.

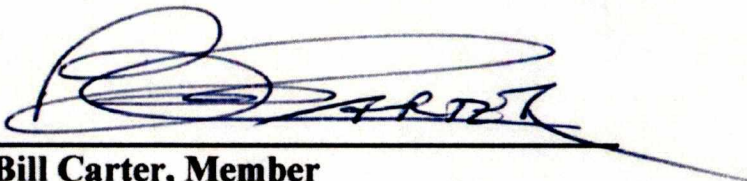
The Respondent and the Appellant(s) are bound by this decision of the Central Newfoundland Regional Appeal Board.

According to section 46 of the Urban and Rural Planning Act, 2000, the decision of the Central 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 Grand Falls Windsor, Newfoundland and Labrador, this 9 day of April, 2019



Stephen Burbridge, Chair
Central Newfoundland Regional Appeal Board



Bill Carter, Member
Central Newfoundland Regional Appeal Board



Gerald Thompson, Member
Central Newfoundland Regional Appeal Board