

# Eastern Newfoundland Regional Appeal Board

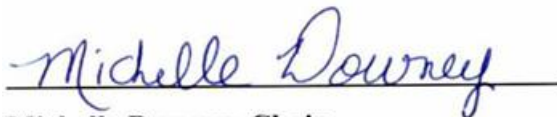
Annual Report  
2016-17



## Message from the Chair

On behalf of the Eastern Newfoundland Regional Appeal Board, I am pleased to submit our Annual Report for the reporting period April 1, 2016 to March 31, 2017. This report was prepared in accordance with the Transparency and Accountability Act requirements for category three entities. The members of the board are accountable for the actual results as reported herein.

Pursuant to the Regional Appeal Boards Establishment Order, the Eastern Newfoundland Regional Appeal Board has the authority to hear appeals in the eastern region of the Island portion of the province. The board's mandate pursuant to section 42(1) of the Urban and Rural Planning Act, 2000, is to hear appeals brought forward by an individual(s) aggrieved by a municipality or another provincial authority's decision regarding land use and development. The board also hears appeals resulting from orders issued under section 404 of the Municipalities Act, 1999, as well as section 204 of the City of Mount Pearl Act.

A handwritten signature in blue ink that reads "Michelle Downey". The signature is written in a cursive style and is positioned above a horizontal line.

**Michelle Downey, Chair**

**Eastern Newfoundland Regional Appeal Board**



# Contents

- Overview ..... 4
- Mandate..... 6
- Report on Performance ..... 7
  - Issue: Land Use and Development Appeals ..... 7
  - Objective ..... 7
- Opportunities and Challenges ..... 9



## Overview

The Eastern Newfoundland Regional Appeal Board (the board) is established by the Urban and Rural Planning Act, 2000. Its board members are appointed by the Minister of Municipal Affairs and Environment. The board hears appeals related to land use and development issues that arise from decisions made by municipalities or a provincial government authority. Issues which may be appealed to the board include:

- a decision made under Development Regulations;
- a decision to issue an Order under section 102 of the Urban and Rural Planning Act, 2000;
- a decision to issue an Order under section 404 of the Municipalities Act, 1999;
- a decision to refuse to issue a permit under section 194 of the Municipalities Act, 1999;
- a decision made under Interim Development Regulations;
- a decision under a Protected Area Plan, Protected Road Zoning Regulations or Highway Sign Regulations;
- a decision made under Occupancy and Maintenance Regulations; and
- decisions made under any other Act or regulations where specifically designated.

Appeals may be made by a person or an association of persons.

The board considers and determines an appeal in accordance with all relevant legislation, including municipal by-laws. Section 42 of the Urban and Rural Planning Act, 2000 outlines procedures with respect to appeals. The board can confirm, reverse or vary a municipal council's or other authority's decision and may impose conditions. Further, the board may direct the municipal council or the relevant authority to carry out its decision.

The board does not hear appeals arising from decisions of the St. John's City Council, as the city has established its own local board of appeal.

## Eastern Newfoundland Regional Appeals Board 2016-17 Annual Report

The board consists of three to five members, including the chairperson. All members are appointed by the Minister; a quorum consists of a chairperson and two members. In the absence of a chairperson, another member of the board may act in the chairperson capacity. As of March 31, 2017 the members of the board are:

<b>Name</b>	<b>Community of Residence</b>
Michelle Downey, Chair	Goulds
Mary Thorne Gosse	Torbay
Harold Porter	Conception Bay South
Vacant	
Vacant	

The board does not have an office or staff, nor does it manage its own financial statements. Administrative and technical support is provided by the Department of Municipal Affairs and Environment. Board members are paid honoraria as well as related travel expenses from the department's budget.

The following is a summary of the board's 2016-17 expenditures:

<b>Expenditure Name</b>	<b>Expenditure Amount</b>
Honoraria	\$1675
Travel Cost	\$304
<b>Total</b>	<b>\$1979</b>



## Mandate

The Eastern Newfoundland Regional Appeal Board is mandated by section 42(1) of the Urban and Rural Planning Act, 2000 to hear appeals related to:

- (a) an application to undertake a development;
- (b) a revocation of an approval or a permit to undertake a development;
- (c) the issuance of a stop work order; and
- (d) a decision permitted under the Urban and Rural Planning Act, 2000 or another Act to be appealed to the board.

The board's geographic area of jurisdiction is prescribed in section 2(a) of the Regional Appeal Boards Establishment Order, under the authority of section 40 of the Urban and Rural Planning Act, 2000:

"...the Avalon Peninsula, the Burin Peninsula, the Bonavista Peninsula and the Isthmus of Avalon and more particularly described as all that area of the Island of Newfoundland situated east of the line drawn from Port Blandford to Terrenceville and including both those communities."

The Regional Appeal Boards Establishment Order and the Urban and Rural Planning Act, 2000 may be accessed through the House of Assembly website at [www.assembly.nl.ca/legislation](http://www.assembly.nl.ca/legislation).

## Report on Performance

### Issue: Land Use and Development Appeals

The board's adjudication of appeals enables municipal councils and other government authorities to gain a better understanding of the application of land use and development legislation and a more complete understanding of the appeal process.

The board decided not to develop three year goals in its 2014-17 Activity Plan. Instead, the board developed a single annual objective and associated indicators to be reported on in each of the three years of its activity plan.

### Objective

By March 31, 2017 the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

2016-17 Indicator	Actual Result
Number of appeals heard	Three appeals were heard in 2016-17.
Number of appeal hearing days	Appeals were heard on three days.
Number of written decisions rendered within 21 days from date of hearing	Three written decisions were rendered within 21 days of hearing the appeal.

## Eastern Newfoundland Regional Appeals Board 2016-17 Annual Report

The 2016-17 fiscal year is the final year of the 2014-17 activity planning cycle. Over the last three years, the board heard total of 99 appeals on 48 hearing days. Written decisions for 99 per cent of appeals were rendered within 21 days of the hearing date.

The board met the annual objectives of having heard appeals and having rendered decisions in a timely fashion.

## Opportunities and Challenges

The opportunity for the board is to make a positive contribution to municipal governance through the hearing of appeals and rendering decisions in compliance with applicable legislation. Municipalities can strengthen their future decision making through referencing decisions rendered by the board.

The challenge for the board is to hear the appeals in a timely manner once they are ready for adjudication by the board. Through past practice and in consultation with the Central and West Newfoundland Regional Appeal Boards, the board has determined that 21 days is a reasonable time in which to consider all information provided and meet the needs of applicants and municipalities.