

# EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

## URBAN AND RURAL PLANNING ACT, 2000

### Eastern Newfoundland Regional Appeal Board

Appeal #	15-006-072-004
Appellant(s)	Karwood Contracting Ltd.
Respondent / Authority	Town of Conception Bay South
Date of Hearing	June 7, 2022

#### Board Members

Chair	Cliff Johnston, MCIP
Member	Lisa Slaney
Member	Paul Boundridge, MCIP

#### Also in Attendance

Appellant(s)	
Representatives for the Appellant(s)	Kevin Galway, Solicitor, O'Dea Earle Law
Representatives for the Authority	Corrie Davis, MCIP Director of Planning & Development Melanie Power, Development Control Officer John Whalen, Planning and Development Manager
Secretary to the Boards	Robert Cotter
Technical Advisor to the Boards	Keith Batstone, MCIP
Start/End Time	9:00 am – 10:50 am.

The authority for appeals comes from section 42 of the *Urban and Rural Planning Act, 2000* (The Act).

### Board's Role

The role of the Eastern Newfoundland Regional Appeal Board (the "Board") is to determine if the decision of the Town of Conception Bay South (the Authority) in exercising discretion to refuse an application for a Permitted Use (double dwelling), did so in accordance with the Urban and Rural Planning Act and the Town's Municipal Plan and Development Regulations.

## **LEGISLATION, MUNICIPAL PLANS AND REGULATIONS CONSIDERED BY THE BOARD**

- Urban and Rural Planning Act, 2000
- Town of Conception Bay South Municipal Plan
- Town of Conception Bay South Development Regulations

### **Background:**

On April 15, 2021, the Authority (Town of Conception Bay South) issued a letter as notice of a Council decision to refuse a development application for the construction of a 'double dwelling' at 8 Lucston Avenue, Conception Bay South. On April 28, 2021 the Appellant (Karwood Contracting Ltd.) filed an appeal with the Secretary of the Eastern Newfoundland Regional Appeal Board.

### **Presentations During Hearing**

The following is synopsis/summary of the verbal representations made to the Board during the Appeal Hearing. The Board also received and reviewed written submissions from the Technical Advisor, the Appellant and the Authority.

The Board heard from the following:

#### **Technical Advisor:**

*Chronology assembled from the material submitted by the Appellant and the Authority.*

March 18, 2021 The Appellant (Karwood Contracting Ltd.) submitted a development permit application (No. 2021-045) dated March 14, 2021, proposing the residential development of a "new 2 apartment house" at 8 Lucston Avenue.

March 30, 2021 Council's Planning and Development Committee received development application No. 2021-045 at Meeting #21-05, discussed the neighbourhood development context and various standards of the Development Regulations, 2011-2021. The meeting minutes establish that the Committee forwarded a recommendation (for refusal) to Council.

April 6, 2021 Council received Planning and Development Committee's recommendation (for refusal) and considered Application No. 2021-045 at Regular Meeting #06.

Council unanimously passed the following resolution to refuse the application for proposed development:

Resolution #21-115

Councillor Hillier/Councillor Bent

*"Be it so resolved that, in accordance with Council's overall discretionary authority at Section 4.6 of the Town's Development Regulations, Application No 2021-045 received on March 18, 2021, seeking approval of a two-apartment dwelling at 8 Lucston Avenue be refused in consideration that the proposed development has the appearance of a double dwelling which is inconsistent with the character of the neighbourhood."*

April 15, 2021 The Authority issued a letter as notification of Council's decision to refuse development application No. 2021-045 and provided, in writing, the reasons for refusal, citing the Council resolution.

April 15, 2021 The Appellant (Karwood Contracting Ltd.) received the letter as notice of Council's decision, which provided the reasons for refusal of the application for a proposed residential use (double dwelling) at 8 Lucston Avenue.

April 28, 2021 The Appellant submitted an Appeals Application Form to the Secretary of the Eastern Newfoundland Regional Appeal Board (with attached Appellant's Appeal Brief dated April 28, 2021), which established:

- the facts of the appeal
- a summary of the grounds of appeal
- confirmation of fee payment
- details of Appellant's contact information

April 29, 2021 The Authority received from the Appellant's legal counsel notice of intent to file appeal with Eastern Newfoundland Regional Appeal Board.

May 7, 2021 The Authority received from the Secretary of the Eastern Newfoundland Regional Appeal Board notice of filing of an appeal regarding Council's decision to refuse application No. 2021-045.

November 19, 2021 The Authority provided an Appeals Submission Package to the Secretary of the Eastern Newfoundland Regional Appeal Board.

The Appellant is appealing the decision of the Town of Conception Bay South Council to refuse an application to develop a 2 apartment house at 8 Lucston Avenue on the basis of the following grounds of appeal:

- This is an appeal of the Council's statutory interpretation of the scope of its discretionary authority provided under Section 4.6 of the Development Regulations.



- Council contends that it has the broad discretionary authority, under Section 4.6 of the Development Regulations, to refuse a development application for a Permitted Use solely on the basis that the appearance of the proposed development is that of its Permitted Use. Section 4.3.7 of the Municipal Plan sets forth a limited and specific list of elements for the Council to consider in evaluating the aesthetic character of proposed developments, which does not include the Use itself.
- The Appellant is appealing the Council's decision on the basis that its interpretation of its discretionary authority under Section 4.6 of the Development Regulations is incorrect, as it provides the Council with discretionary authority which is in conflict with the Urban and Rural Planning Act, 2000 and the regulations thereunder.

The appeal submission package details that appeal was filed on April 28, 2021, which is not more than 14 days from the date of delivery of the written decision of Council. The Appellant's submission included: the appeal application and decision summary form, the grounds of appeal, and the required fee, as per the requirements of the Act.

The applicable legislation, policies and regulations with respect to this appeal are:

- Urban and Rural Planning Act, 2000
- Town of Conception Bay South Municipal Plan, 2011-2021
- Town of Conception Bay South Development Regulations, 2011-2021.

The following is a summary of development planning regulations and other technical information relevant to the evaluation of this appeal for the purpose of informing the Board's consideration of:

1. the decision of Council
2. the grounds of appeal of the Appellant

The Town of Conception Bay South Municipal Plan and Development Regulations, 2011-2021 came into effect on June 27, 2012.

The subject site is located in the 'Residential' land designation, as established in the Future Land Use Map (see: Municipal Plan) and Residential Medium Density (R-2) Use Zone, as established in the Zoning Map (see: Development Regulations).

The Municipal Plan outlines a policy goal at Section 5.2.1 for lands in the 'Residential' designation to: "...provide a range of housing options within Conception Bay South that meets the needs of a variety of age groups and incomes." Section 5.2.3.1 of the Plan further elaborates on policy statements specific to the Residential Medium Density sub-designation:

- it applies to the largely built up and serviced or newly serviced areas

- the single detached dwelling will remain the predominant housing form
- higher density forms of housing will be considered
- single and double dwellings, semi-detached dwellings and small multiple unit dwellings... will be permitted in this land use zone

The Development Regulations provide for a range of residential dwelling types in the R-2 zone as Permitted Uses, and to a more limited extent, as Discretionary Uses (examples: Apartment Buildings and Row Dwellings). The R-2 Use Zone development standards list 'Double Dwellings' as a Permitted Use, as per Section 10.11.1 but does not list any other development requirements or conditions.

Section 2.33 (Definitions) of the Regulations indicates that:

Dwelling, Double (or Duplex) means a building containing two dwelling units, placed one above the other, or side by side, but does not include a single dwelling containing a subsidiary apartment.

Section 4.4 (General Regulations) of the Regulations indicates that:

#### 4.4 Development Approval to be Issued

Subject to Regulations 4.5 and 4.6, a Development Approval shall be issued for development within the Planning Area that conforms to:

- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 5 of these Regulations, the requirements of Section 10 of these Regulations including the use classes, standards, requirements, and conditions prescribed for the use zone in which the proposed development is located;

(...)

- f) The standards of design and appearance established by the Authority.

The Authority's appeal package outlines that Council considered the application and the standards of the Development Regulations intended to implement the Municipal Plan. The minutes of the Planning and Development Committee meeting of March 30, 2021 indicate that staff deemed the proposed "two apartment dwelling" to be:

- consistent with the definition of a 'double dwelling'
- a Permitted Use in the R-2 Zone
- conforming to the 'Lot Requirements' of Section 10.11.3

The Authority's meeting minutes establish that the Planning and Development Committee determined that 'double dwellings' are inconsistent with the character of the



neighbourhood. However, there is no specific reference(s) to the standards of the Development Regulation or policies of the Municipal Plan considered to be relevant.

The minutes of the Regular Meeting of Council of April 6, 2021 indicate that Council received and confirmed the Planning and Development Committee recommendation (for refusal), through the following motion:

Resolution # 21-115

Councillor Hillier/ Councillor Bent

*"Be it so resolved that, in accordance with Council's overall discretionary authority at Section 4.6 of the Town's Development Regulations, Application No. 2021- 045 received on March 18, 2021 seeking approval of a two-apartment dwelling at 8 Lucston Avenue be refused in consideration that the proposed development has the appearance of a double dwelling which is inconsistent with character of the neighbourhood. (carried unanimously)"*

The Appellant contends (see: Part I. NATURE OF THE APPEAL) that:

- this Council has limited authority to apply discretion in the consideration of a Permitted Use in the R-2 zone, in accordance with the Town's Municipal Plan and Development Regulations, and
- the decision to refuse an application for a Permitted Use conflicts with the intent of the Urban and Rural Planning Act, and the Town land use plan and regulations thereunder.

Section 4.6 of the Development Regulations indicate that:

#### 4.6 Discretionary Powers

In considering an application to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

The Appellant is of the opinion that Council's decision to refuse the application on the basis of an 'aesthetic or neighbourhood character' based assessment, should be interpreted to mean that Council has arbitrarily deemed a specific Permitted Use classification (ie. double dwelling) to be inconsistent with the intent of the Residential Medium Density R-2 Use Zone and that such a determination by the Council is a de facto amendment of a Plan and Regulation.

The Appellant is appealing the decision because it is of the opinion that the Council determination that double dwellings are inconsistent with the existing character of the neighbourhood – despite being listed as a Permitted Use – is incorrect and contrary to

the policy standards of Section 4.3.7 of the Municipal Plan, which are a limited set of design elements that the Authority itself established to apply in proposal evaluations.

Section 4.3.7.2 of the Municipal Plan indicates that:

#### 4.3.7 Development Design and Neighbourhood Amenity

The Town is committed to improving the quality and design of developments within the community (...)

2. The Town will consider the aesthetic character of site and building design in the approval of site plans within all land use designations. In evaluating development proposals the Town will consider design elements including:

- Layout, setback, height and bulk of buildings,
- The relationship of proposed buildings to one another and to other buildings and development in the area
- The effect of the proposed development on future development of adjoining properties
- The exterior appearance of proposed buildings, including exterior finish and colour.
- Outdoor lighting
- Signs and advertisements
- Open space around proposed buildings, including landscaping, buffering, pedestrian walkways.

The Appellant seeks relief from the Board in accordance with Section 42(10) of the Urban and Rural Planning Act, to reverse the decision of the Authority, on the basis of the opinion that Council's decision would have the effect of:

- Negating the concept of Permitted Uses as established per Section 10 (Use Zones) of the Regulations
- Overriding the amendment procedures for Municipal Plans and Development Regulations as established per Section 14-24, 25 and 35 of the Act
- Contravening the binding nature of a plan and development regulations upon municipalities, Councils and any other persons undertaking development.

In accordance with section 42 of the Urban and Rural Planning Act 2000, in determining an appeal, a board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have its decision implemented.



The Appellant's appeal package contains detailed discussion and reference(s) to materials supporting the Appellant's rationale, which may inform the decision of this Board. This includes:

Statutory Interpretation (Sullivan, 2016)

- "...overlapping provisions do not conflict unless they contradict each other... at least not without defeating the purpose of one of them..."
  - "(the legislature intends to produce) coherent, internally consistent legislation... an interpretation that avoids conflict is preferred over one that does not."
- "Fairmont" – Sun Life v. FHR Real Estate (NLCA, 2006)
- "The Development Regulations list permitted uses in each of the use zones set forth... the subsistence of a discretion of Council to refuse an application that was for a permitted use in the affected zone (and was otherwise compliant) would effectively negate the concept of permitted uses."
  - "Acceptance of Fairmont's contention would undermine the general intent of the URPA which is to provide the structure for the development and implementation of detailed planning controls."
  - "That regime was noteworthy for Council's exercise of broad discretionary powers under the City of St. John's Act on a case by case basis."
  - "...it created little or no certainty for developers and thereby permitted... arbitrary and discriminatory... use of those discretionary powers by Council which... could operate to the prejudice on an application..."

The Urban and Rural Planning Act, 2000 establishes that Councils shall make development regulations that are consistent with the following:

Council and regional authority, etc. regulations

35. (1) A council or regional authority shall, to ensure that land is controlled and used only in accordance with the appropriate plan or scheme, make development regulations

- (a) respecting land use zoning and shall require for that zoning, a map that divides the planning area into land use zones;
- (b) indicating permitted, prohibited and discretionary uses of land in each land use zone;
- (...)
- (e) respecting development permits including
  - (...)
  - (v) processing, cancellation, suspension and refusal of permits,



(vi) conditions applicable to a permit or type of permit,

(...)

(viii) the discretion and variance powers available to the council or regional authority with respect to the issuance of a permit;

(f) requiring that an applicant for a permit be provided with available information and requirements applicable to the application;

(g) requiring that a decision of a council or regional authority with respect to a permit be in writing and state reasons for a refusal of or conditions placed upon a permit;

(h) respecting reasonable minimum notice periods for the council or regional authority for decisions respecting discretionary land use, non-conforming land use and variances;

Section 4.0 (General Regulations) of the Town's Development Regulations reiterate Councils' authority to make decisions on applications respecting permitted uses or discretionary use as per Sections 35(1)(b) and 35(1)(e)(viii) of the Act – see the discussion in this report at Section 6 (Land Use Planning – The Appellant's Appeal).

The Appellant's appeal submission package indicates that it may be that Council's decision to refuse the application is contrary to Section 4.6 (Discretionary Powers) which establishes that: "...notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application" (underline added for emphasis). For this reason, the Authority may be bound, in accordance with Section 4.6, to taking into account the following regulatory criteria only, in the refusal of a development proposal:

- The general appearance of the development of the area
- The amenity of the surroundings
- Availability of utilities
- Public safety and convenience
- Any other considerations which are, in its opinion, material

The Appellant further contends that Council's decision, if it is a valid discretionary application of the policies of the Municipal Plan, may have nevertheless exceeded the design and amenity evaluation criteria anticipated for the "approval of site plans" as established in Section 4.3.7 of the Plan, where it limits evaluation to the following:

- Layout, setback, height and bulk of buildings
- The relationship between buildings on the site and in the area
- The effect on future developments

- The exterior appearance, including exterior finish and colour
- Outdoor lighting
- Signs
- Open space landscaping, buffering, pedestrian pathways

The Authority's appeal submission package indicates that Council's consideration of the development permit application involved the following:

- Town review of the application materials and relevant Development standards
- Planning and Development Committee recommendation to Council
- Council decision based on the application and Committee recommendation
- Issuance of letter as notice of the Council decision to refuse with reasons
- Notice of the right of appeal and the associated application process for the Eastern Newfoundland Regional Appeal Board

#### **The Appellant:**

- This Appeal is about statutory interpretation and appropriate standard of application review
- The Town has the view that it has total veto power in reviewing development regulations
- Before Council can make a decision on an application, they must be held accountable to their Municipal Plan and Development Regulations first in order to give an honest review of the development application
- The Town's supposed authority under Section 4.6 ("*Discretionary Powers*") of the Town's Development Regulations is contrary to Section 12 ("*Application of Plan*") of the Urban and Rural Planning Act, 2000
- The Town, in using Section 4.6 of the Town's Development Regulations, makes "its decisions immune to Section 12 of the Urban and Rural Planning Act, 2000"
- The Town did not undertake a comprehensive review of the Appellant's application in respect of the goals and objectives of the Town's Municipal Plan for residential development
- The Town did not do an assessment of the application in terms of all the factors that Council must consider under Section 4.6 of the Town's Development Regulations. There was no assessment on the Council's part on how a double-dwelling is inconsistent with the neighbourhood in which it is proposed to be constructed
- Council, in its decision to reject the application has changed a permitted use (double-dwelling) into a prohibited use, thus changing the Town's Development Regulations and Municipal Plan without first going through the applicable amendment process required under the Urban and Rural Planning Act, 2000



- The Urban and Rural Planning Act 2000, limits the scope of discretionary powers of the Town Council
- The Town and the Developer/Appellant, are both bound by Section 12 (*"Application of Plan"*) of the Urban and Rural Planning Act, 2000 and Section 4.2 (*"Compliance with Regulations"*) of the Town's Development Regulations

### **The Authority:**

- Mr. Davis advised the Board that he was in attendance at the meeting of the Town's Planning and Development Committee on March 30, 2021, at which time the Appellant's application was discussed. He advised that in his recollection that the Committee had a detailed discussion on the application and the discretionary authority of the Town Council under Section 4.6 of the Town's Development Regulations before agreeing to make a recommendation to Council that the application be refused in consideration that the proposed development has the appearance of a double-dwelling which is inconsistent with the character of the neighbourhood
- The Town is of the opinion that Council exercised its discretionary authority correctly under Section 4.6 of the Town's Development Regulations in refusing the application. Section 4.6 provides that any other considerations which are, in Council's opinion material to the application under review may be considered. The full use of all provisions of Section 4.6 of the Town's Development Regulations would be in compliance with Section 12 of the Urban and Rural Planning Act, 2000
- There is a Subdivision Agreement between the Town and the Developer of the Lucston Avenue area, which predates the Appellant's application, which limits homes in this area to single detached dwellings with provision for subsidiary apartments
- Mr. Davis advised the Board that municipal water and sewer infrastructure in the Lucston Avenue Subdivision was installed to accommodate single detached dwellings only and that the infrastructure would have to be modified to accommodate the proposed double-dwelling
- Council members had received communications of concern from residents in the vicinity of the application site regarding the proposed double-dwelling

### **BOARD ANALYSIS**

Q. What is the plan designation and zoning of 8 Lucston Avenue?

A. The subject site is located in the 'Residential' land designation, as established in the Future Land Use Map (see: Municipal Plan) and Residential Medium Density (R-2) Use Zone, as established in the Zoning Map.

Q. Is a double-dwelling allowed in the Residential Medium Density (R-2) Zone?

A. Yes. A double-dwelling is allowed as a Permitted Use in the R-2 Zone subject to meeting Zone requirements.

Q. Is the proposed double-dwelling capable of meeting the R-2 Zone requirements?

A. From the information provided by the Authority to the Board, it is the Board's understanding that the Appellants proposed double-dwelling project can satisfy the R-2 Zone requirements.

Q. Has the Town demonstrated that it has fully reviewed the Appellant's development application in respect to the applicable policies of the Town's Municipal Plan for residential development projects – Section 4.3.7 (*"Development Design and Neighbourhood Amenity"*)?

A. No. The Board was not provided with any written evidence from the Town such as staff reports, Planning and Development Committee or Council Minutes to demonstrate to the Board's satisfaction that the application was given a full and satisfactory review in respect of the applicable sections of the Town's Municipal Plan and Development Regulations for new residential development in the R-2 Zone before the Town's Planning and Development Committee made its recommendation to Council that the application be refused.

It has not been demonstrated to the Board's satisfaction how the Town's Planning and Development Committee and Council determined that the Appellant's application is inconsistent with the character of the neighbourhood. Further, it has not been demonstrated to the Board's satisfaction that Council considered all applicable requirements and provisions of Section 5.2.1 (*"Residential Goals, Objectives and Policies"*) of the Town's Municipal Plan, Section 4.4 (*"Development Approval to be Issued"*), Section 4.5 (*"Approval Not to be Issued in Certain Cases"*), and Section 4.6 (*"Discretionary Powers"*) of the Town's Development Regulations before making its decision to reject the application under Section 4.6 of the Town's Development Regulations.

Q. Does the use of discretionary authority under Section 4.6 (*"Discretionary Powers"*) of the Town's Development Regulations release Council from its obligations to its approved Municipal Plan, policies and regulations?

A. No. In reviewing development applications, there are several sections of the Town's Development Regulations in addition to Section 4.6 that apply.

Section 4.4 (General Regulations) of the Regulations indicates that:

#### 4.4 Development Approval to be Issued

Subject to Regulations 4.5 and 4.6, a Development Approval shall be issued for development within the Planning Area that conforms to:



- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 5 of these Regulations, the requirements of Section 10 of these Regulations including the use classes, standards, requirements, and conditions prescribed for the use zone in which the proposed development is located;
- (...)
- f) The standards of design and appearance established by the Authority.

In the Board's view, Section 4.6 of the Town's Development Regulations must be read and employed in conjunction with the Sections 4.4 and 4.5 of the Town's Development Regulations.

### **BOARD'S CONCLUSION AND DETERMINATIONS**

In arriving at its decision, the Board reviewed the submissions and evidence presented by all parties 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 Town Council of Conception Bay South incorrectly applied its authority under Section 4.6 ("*Discretionary Powers*") in making its decision on April 6, 2021 to reject the application from Karwood Contracting Ltd. to construct a double-dwelling/two apartment home at 8 Lucston Avenue, Conception Bay South. It has not been demonstrated to the Board's satisfaction how the Town's Planning and Development Committee and Council determined that the Appellant's application is inconsistent with the character of the neighbourhood. Further, it has not been demonstrated to the Board's satisfaction that Council considered all applicable requirements and provisions of Section 5.2.1 ("*Residential Goals, Objectives and Policies*") of the Town's Municipal Plan, Section 4.4 ("*Development Approval to be Issued*"), Section 4.5 ("*Approval Not to be Issued in Certain Cases*"), and Section 4.6 ("*Discretionary Powers*") of the Town's Development Regulations before making its decision to reject the application under Section 4.6 of the Town's Development Regulations. It is the Board's determination that Council's decision under Section 4.6 was a premature.

### **BOARD'S ORDER**

The Board orders that the decision made by the Town of Conception Bay South Council on April 6, 2021 to reject the application from Karwood Contracting Ltd. to construct a double-dwelling/two apartment home at 8 Lucston Avenue, Conception Bay South, be reversed.

Further, the Board orders that the Town's Planning and Development Committee undertake a re-examination of the Appellant's application in respect of all applicable objectives and policies of the Town's Municipal Plan for a residential development in the "Residential Medium Density" land designation and all applicable requirements of the Town's Development Regulations for a proposed residential development "Residential Medium Density (R-2)" Zone. This new review of the Appellant's application must be fully documented by the Town and provided in writing to the Appellant by the Town at the appropriate stages of processing the application.

The Board further orders the Authority to pay the Appellant in the amount equal to the Appeal fee of \$200.00 plus HST.


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

According to section 46 of the Urban and Rural Planning Act, 2000, the decision of this 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 Appellant have received the Board's decision.

DATED at St. John's, Newfoundland and Labrador, this 8th of June, 2022.



Clifford Johnston, MCIP, Chair  
Eastern Newfoundland Regional Appeal Board



Lisa Slaney, Member  
Eastern Newfoundland Regional Appeal Board



A handwritten signature in blue ink, reading "Paul Boundridge", is positioned above a horizontal line.

Paul Boundridge, MCIP, Member  
Eastern Newfoundland Regional Appeal Board