

Eastern Newfoundland Regional Appeal Board

**Annual Report
2019-20**

Message from the Chair

I am pleased to submit the Eastern Newfoundland Regional Appeal Board Annual Report for the reporting period April 1, 2019 to March 31, 2020. 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 subsection 42(1) of the **Urban and Rural Planning Act, 2000**, is to hear appeals brought forward by 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**.



Clifford Johnston
Chairperson

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Overview

The Eastern Newfoundland Regional Appeal Board (the “Board”) is established by the **Urban and Rural Planning Act, 2000**. The Minister of Environment, Climate Change and Municipalities (ECCM) appoints its Board members. 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 **Municipal 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 **Municipal 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, including Municipal Plans and Development Regulations, where specifically designated.

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

The Board considers and determines appeals 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 or other authority’s decision and may impose conditions. Further, the Board may direct a municipal council or 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 appeal board.

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The Board consists of three to five members, including the chairperson. A quorum consists of a chairperson and two members. In the absence of the chairperson, another member of the Board may act in the chairperson's capacity. The Board composition as of March 31, 2020 was as follows:

Name	Community of Residence
Clifford Johnston- Chair	St. John's
Paul Boundridge	St. John's
Damian Ryan	St. John's
Carol Ann Smith	Torbay
Robert Warren	St. John's

The Board does not have an office location or staff, nor does it manage its own finances. ECCM provide administrative and technical support. Board members are paid honoraria as well as related travel expenses from the Department's budget.

The following is a summary of ECCM's 2019-20 expenditures related to the Eastern Newfoundland Regional Appeal Board's honoraria and travel expenses:

Expenditure Name	Expenditure Amount
Honoraria	\$10,880.00
Travel Cost	\$81.72
Total	\$10,961.72

Mandate

The Eastern Newfoundland Regional Appeal Board is mandated by subsection 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.

The Board's geographic area of jurisdiction is prescribed in subsection 2(c) 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**, are accessible through the House of Assembly website at 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 2017-20 Activity Plan. Instead, it 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, 2020, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

2019-20 Indicator	Actual Result
Number of appeals heard	19 appeals were heard in 2019-20
Number of appeal hearing days	Appeals were heard over a period of 13 days
Number of written decisions rendered within 21 days from date of hearing	19 written decisions rendered

The Board met its objective of hearing appeals and rendering decisions as per its mandate.

Opportunities and Challenges

The Board aims to make a positive contribution to land use planning 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 major challenge for the Board continues to be the ability to hear appeals and render decisions in a timely and efficient manner while at the same time working to modernize processes, participate in training opportunities, and adhere to administrative law principles and best practices for quasi-judicial tribunals.

The COVID-19 pandemic will present a challenge to the in-person appeal opportunities and will require flexible scheduling and the use of virtual meeting technology.