

**WEST NEWFOUNDLAND REGIONAL APPEAL BOARD**  
**URBAN AND RURAL PLANNING ACT**

**APPEAL**

**BETWEEN** Wade Reid (Northern Construction & Resources Ltd.) **Appellants**

**AND** Town of Roddickton-Bide Arm **Respondent**

**RESPECTING** Refusal

**BOARD MEMBERS** Gary Parsons – Acting Chair  
Joseph Guinchard – Member  
Bill Madore – Member

**DATE OF HEARING** April 9, 2015

**IN ATTENDANCE**

Wade Reid - Appellant  
Lindsay Church - Technical Advisor to the West Newfoundland Regional Appeal Board  
Robert Cotter - Secretary to the West Newfoundland Regional Appeal Board

## DECISION

### Facts/Background

This appeal arises from the Town of Roddickton-Bide Arm refusing Wade Reid a permit to operate a two-bay commercial garage at 6 Collegiate Drive. At the October 1, 2014 Regular Meeting of Council, the Town considered the two objections received in response to the discretionary use notice published in the local paper as well as section 3.4(b) of the Town's Municipal Plan and determined that the proposed use did not fit in with the surrounding environment. Council accepted the recommendation made by the Lands, Roads, Assets Committee to deny Mr. Reid's request. The Town notified Mr. Reid that his application was refused in a letter dated October 6, 2014. The letter stated the reasons for refusal and indicated the appellant's right and process to appeal Council's decision.

In accordance with the *Urban and Rural Planning Act, 2000* a public notice of the appeal was published in the *Western Star* on December 15, 2014 and a notice of the time, date, and place of the Hearing was provided to the appellant and authority on March 10, 2015.

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

Urban and Rural Planning Act, 2000

Minister's Development Regulations, 2000

Town of Roddickton Bide Arm Municipal Plan and Development Regulations, 2005

### Matters presented to and considered by the Board

#### **Does the Board have the jurisdiction to hear Mr. Reid's appeal?**

The Board reviewed section 42(5) of the *Urban and Rural Planning Act, 2000* and determined that an appeal shall include:

- (a) a summary of the decision appealed from;
- (b) the grounds for the appeal; and
- (c) the required fee.

The Board confirmed with the Secretary of the Appeal Board that a confirmation letter was sent to Mr. Reid on October 24, 2014 and was received by Mr. Reid on October 27, 2014. The

confirmation letter indicated that Mr. Reid had not submitted his grounds for the appeal. The Board confirmed at the hearing that Mr. Reid did not submit grounds for the appeal when he initiated the appeals process on October 20, 2014. The appellant stated at the hearing that it was a mistake and that he was aware he was required to submit grounds. The Board indicated at the hearing that the grounds are a legislated requirement that allow the Board and the technical advisor to prepare for the hearings accordingly.

The Board concluded that the appeal was not filed in accordance with section 42(5) of the *Urban and Rural Planning Act, 2000*, and therefore, the right to appeal was forfeited, as per section 6(5) of the Ministerial Development Regulations, which states:

*Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.*

### **What are the appellant's options?**

The appellant was informed that he could go back to the Town and reapply for a permit. As an alternative, the appellant was notified that the Board's decision is subject to appeal to the Supreme Court of Newfoundland and Labrador.

### **Should the Board defer the hearing?**

The Town requested that the hearing be deferred due to conflicting schedules. The Secretary to the Appeal Board read the Town's deferral request into the record at the hearing. The Board reserved its decision on the deferral request until after it determined whether it had the jurisdiction to hear the appeal. Since the Board deemed the appeal invalid as the appellant did not satisfy section 42(5) of the *Urban and Rural Planning Act, 2000*, the Board did not defer the hearing.

### **Conclusion**

In arriving at its decision, the Board reviewed the submissions provided by the appellant and the authority, along with the technical information and planning advice.

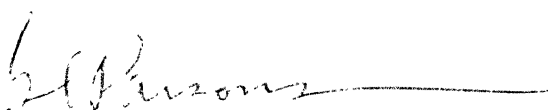
The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must make a decision that complies with the applicable legislation and regulations. The Board determined that it did not have the jurisdiction to hear the appeal as it was not received in accordance with section 42(5) of the *Urban and Rural Planning Act, 2000*.

**ORDER**

Based on its findings, the Board dismisses the appeal regarding the decision made by the Town of Roddickton-Bide Arm on October 1, 2014 to refuse Mr. Wade Reid a permit to operate a two-bay commercial garage at 6 Collegiate Drive.

The Town of Roddickton-Bide Arm is bound by this decision of the West Newfoundland Regional Appeal Board which is binding on all parties.

**DATED** at Deer Lake, Newfoundland and Labrador, this 9<sup>th</sup> day of April, 2015.



**Gary Parsons, Acting Chair**  
**West Newfoundland Regional Appeal Board**



**Joseph Guinchard, Member**  
**West Newfoundland Regional Appeal Board**



**Bill Madore, Member**  
**West Newfoundland Regional Appeal Board**