

DECISION

Facts/Background

The Appellant has been storing three mobile trailers/buildings at 221 Amherst Drive. In September of 2017, staff of the Town of Labrador City (the Authority) performed an inspection of the subject address and took note of the mobile trailers and subsequently sent a letter to the Appellant outlining that a permit must be obtained for storage of the trailers by September 25, 2017 or the trailers be removed from the subject property. The letter also indicated that if no action was taken by September 25, that the Town may issue a removal order.

On October 31, 2017, the Town issued Stop Work Order 04-17 to the Appellant.

On November 14, 2017 the Appellant filed an Appeal of the Removal Order with the Secretary of the Appeal Board.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Municipalities Act, 1999

Town of Labrador City Development Regulations 2007

Matters presented to and considered by the Board

What defines development?

This definition is found in Schedule A of the Labrador City Development Regulations 2007

DEVELOPMENT means the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises, and the:

(d) the parking of a trailer...

Is a permit required?

Yes. The Appellant presented that he was temporarily parking 3 mobile homes that were brought to Labrador City from Churchill Falls at the stated address. Mr Brace presented that he did not think that a permit was required because of the temporary nature of the storage situation. He stated that they were to be stored until a suitable and affordable parcel of land became available. However the Authority presented that there is a requirement for a permit for this activity.

In addition to the above definition the Board also considered the *Town of Labrador City Development Regulations, Section 7*, which states:

7. *Permit to Develop Required*

Development shall not be carried out unless the Council has first issued a Permit to Develop.

What is the zoning and is there and is there a change in the land use intensity.

The zoning is Central Business District. With the placement of these units on the property there was a significant change in the land use intensity for that property. The Board was made aware of this issue from the Authority as they had concerns

over potential safety issues for fire fighters.

Did the Town have the authority to issue a Stop Work Order?

The Authority presented and the Board is in agreement that in accordance with section 404 (1) (e) of the Municipalities Act as well from the Labrador City Development Regulations 2007 that they had the right to issue the Stop Work Order.

Conclusion

In arriving at its decision, the Board reviewed the submissions and comments given by all parties present along with the technical information. The Board determines that a permit was required for this type of development, regardless of the time frame of storage.

Therefore, the Board confirms the Authority's decision to issue the Stop Work Order.

Order

Based on the information presented, the Board confirms that the issuance of the Stop Work Order.

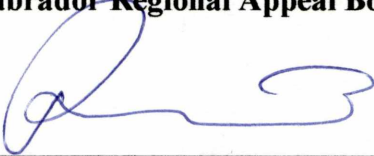
The Respondent and the Appellant(s) are bound by this decision of the Labrador Regional Appeal Board.

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the Labrador 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).

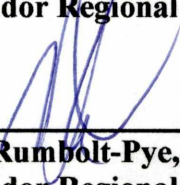
DATED at Happy Valley-Goose Bay Newfoundland and Labrador, this 12th day of December, 2018.



**George Andrews, Acting Chair
Labrador Regional Appeal Board**



**Reginald Hutchings, Member
Labrador Regional Appeal Board**



**Nina Rumbolt-Pye, Member
Labrador Regional Appeal Board**