

EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

URBAN AND RURAL PLANNING ACT, 2000

APPEAL

BETWEEN Fred Woolridge **Appellant**

AND Town of Paradise **Authority**

RESPECTING Council's approval for the construction of an accessory building located at 63 Round Pond Road, Paradise.

(15-006-064-018)

BOARD MEMBERS Cliff Johnston, Chair
Carol Ann Smith, Member
Robert Warren, Member

DATE OF HEARING September 18, 2019

IN ATTENDANCE

Fred Woolridge, Appellant
Noel Woolridge, supporting the Appellant
Rod Snow, supporting the Appellant
Chris Warren, Applicant
Alton Glenn, Director of Planning and Development, Town of Paradise
Robert Cotter, Secretary to the Eastern Newfoundland Regional Appeal Board
Tolulope Victoria Akerele, Technical Advisor, Eastern Newfoundland Regional Appeal Board

DECISION

Facts/Background

On July 19, 2019, Fred Woolridge initiated an appeal against the Town of Paradise. Mr. Woolridge is an interested third party, appealing Council's June 4, 2019 decision to approve an application to construct an accessory building measuring 147m² in size and 5.8m in height at 63 Round Pond Road. In his grounds for appeal, Mr. Woolridge stated the size of the accessory building will negatively impact the value of his property which is located adjacent to the subject property.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Town of Paradise Municipal Plan and Development Regulations

Matters presented to and considered by the Board

- Q.** When did the Appellant become aware of the Town Council's approval of the application?
- A.** The Board was provided with a copy of a letter dated June 11, 2019 from Jason Slade with the Town's Planning and Protective Service Department, advising the Appellant that the application was approved by Council on June 4, 2019 with conditions. The letter from Mr. Slade advised that a copy of the Development Approval document can be viewed upon request. The letter further advised the Appellant of his right to appeal the Council's decision "within 14 days of the day that you receive this decision." The letter from Mr. Slade also advised the procedure to file an appeal.
- Q.** When did the Appellant file his appeal?
- A.** The Appellant filed his appeal on July 19, 2019.

Conclusion

In arriving at its decision, the Board reviewed the submissions and comments given by all parties present 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 Appellant failed to file his appeal within the prescribed period. Section 42(4) of the *Urban and Rural Planning Act, 2000* states that “an appeal made under this section shall be filed with the appropriate Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed”.

Therefore, the Board has determined that it does not have the jurisdiction to hear the Appellant’s appeal.


Order

Based on the information presented, the Board has determined that it does not have the authority to hear the Appeal and thereby, the Board cannot confirm, reverse or vary the Town Council's decision to approve the construction of an accessory building located at 63 Round Pond Road, Paradise.

The Authority and the Appellant are bound by this decision of the Eastern Newfoundland Regional Appeal Board.

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the Eastern Newfoundland 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 Portugal Cove-St. Philips, Newfoundland and Labrador, the 18th day of September, 2019.



Cliff Johnston, Chair
Eastern Newfoundland Regional Appeal Board



Carol Ann Smith, Member
Eastern Newfoundland Regional Appeal Board



Robert Warren, Member
Eastern Newfoundland Regional Appeal Board