

**CENTRAL NEWFOUNDLAND REGIONAL APPEAL BOARD**

**URBAN AND RURAL PLANNING ACT, 2000**

**APPEAL**

**BETWEEN** Angela Hunt **Appellant(s)**

**AND** Town of Dover **Respondent**

**RESPECTING** decision regarding property at 130 Fault Drive, Dover

**BOARD MEMBERS** Stephen Burbridge, Chair  
Barry Thomson  
David Oxford

**DATE OF HEARING** October 10, 2019

**IN ATTENDANCE**

Authority: Roxanne Collins, Town of Dover  
Appellant(s): Jonathan Earle  
Angella Hunt

Interested Parties: Chamaine Oldford  
Bernice Collins

Robert Cotter, Secretary to the Central Newfoundland Regional Appeal Board  
Christopher Hardy, Technical Advisor to the Central Newfoundland Regional Appeal Board

## **DECISION**

### **Facts/Background**

In February of 2019, Angela Hunt (the Appellant) asked the Town to address issues with taxation and ownership of 128 and 130 Fault Drive in the Town of Dover. The Town sent correspondence to the Appellant in outlining the following:

- The Town does not (re)assess properties, that is the Municipal Assessment Agency's role;
- The Town has been made aware that the property ownership is in dispute and that such matters are not resolved by the Town; and
- That the Town would revisit the matter should it be resolved.

In March of 2019, Angela Hunt (the Appellant) applied to develop 130 Fault Drive (the subject property) in the Town of Dover. The Town of Dover (the Authority) refused the application.

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

Urban and Rural Planning Act, 2000

Minister's Development Regulations, NLR 3/01

Town of Dover Municipal Plan

Town of Dover Development Regulation

### **Matters presented to and considered by the Board**

#### **Who owns the property at 130 Fault Drive?**

Based on the documentation provided, it would appear that the ownership of the property is uncertain. The Board does not have jurisdiction to comment on property ownership.

#### **Did the Town of Dover have the authority to consider a development application at 130 Fault Drive?**

Yes. The Board finds that the Town of Dover did have the authority to issue a Development Permit. Section 35(e)(ii) of the Urban and Rural Planning Act 2000 states that:

*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.*

*(e) Respecting development permits including*

*(ii) The application for and issuance of permits,*

**Did the Town of Dover exercise its authority appropriately in refusing the development application at 130 Fault Drive?**

Yes. The Board finds that the Town of Dover received, considered and responded to the development application in a procedurally correct manner. Section 35(e)(ii) of the Urban and Rural Planning Act 2000 states that:

*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.*

*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;*

## **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 Town of Dover did had the authority to consider the development application at 130 Fault Drive and that it exercised this authority appropriately in refusing the development application.

Therefore, the Board confirms the Respondent's decision to refuse the development application for 130 Fault Drive.

**Order**

Based on the information presented, the Board orders that the decision to refuse a development application at 130 Fault Drive be confirmed.

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

According to section 46 of the *Urban and Rural Planning Act, 2000*, the decision of the Central 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 Gander, Newfoundland and Labrador, this 10 day of October 2019.



**Stephen Burbridge, Chair**  
**Central Newfoundland Regional Appeal Board**



**Barry Thomson, Member**  
**Central Newfoundland Regional Appeal Board**



**David Oxford, Member**  
**Central Newfoundland Regional Appeal Board**