

**Eastern Newfoundland
Regional Appeal Board
Annual Report
2012-13**

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CHAIRPERSON'S MESSAGE

As Chair of the Eastern Newfoundland Regional Appeal Board I am pleased to submit the Eastern Newfoundland Regional Appeal Board's 2012-13 Annual Activity Report in accordance with the *Transparency and Accountability Act*. The report covers the period from April 1, 2012 – March 31, 2013.

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 province. The board's mandate, as defined in section 42(1) of the *Urban and Rural Planning Act, 2000*, is to hear appeals brought forward by individuals dissatisfied with a municipality or another provincial authority's decision regarding land use and development. The board also hears appeals resulting from an order issued under section 404 of the *Municipalities Act, 1999*, as well as section 240 of the *City of Mount Pearl Act*.

The board's actions contributed to one of government's strategic direction outcomes, 'strengthened local government,' as articulated in the Department of Municipal Affairs' 2011-2014 Strategic Plan. This report documents the board's performance in the second year of our 2011-14 Activity Plan. The board is accountable for the results reported herein. I look forward to carrying out our planned activities in 2013-14.

Respectfully submitted,



Victoria Connolly, Chair
Eastern Newfoundland Regional Appeal Board

1.0 BOARD OVERVIEW

The Eastern Newfoundland Regional Appeal Board (the 'board') is established pursuant to the *Urban and Rural Planning Act, 2000*. Its board members are appointed by the Minister of Municipal Affairs. 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 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*; and similar sections of the *City of Mount Pearl Act*;
- a decision to refuse to issue a permit under Section 194 of the *Municipalities Act, 1999*;
- a decision made under Interim Development Regulations;
- a decision under 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 where specifically designated.

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

The board considers and determines an appeal 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's or another authority's decision and may impose conditions. Further, the board may direct the municipal council or the 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 of St. John's has established its own local board of appeal.

The board consists of five members, including the chairperson. A quorum consists of a chairperson and two members. Current members of the board are:

Name	Community of Residence
Victoria Connolly, Chair	Conception Bay South
Michelle Downey	Goulds
Mary Thorne-Gosse	Torbay
Bruce Strong	Clarenville
Harold Porter	Conception Bay South

The Eastern Newfoundland Regional Appeal Board does not have an office or staff, nor does it manage its own financial statements. Administrative and technical support is provided by the Department of Municipal Affairs. Board members are paid honoraria as well as related travel expenses from the budget of the Department of Municipal Affairs.

2.0 MANDATE

The Eastern Newfoundland Regional Appeal Board is mandated by section 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 to be appealed to the board.

The board's geographic area of jurisdiction is prescribed in section 2(a) 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 a line drawn from Port Blandford to Terrenceville and including both of those communities."

To view the Establishment Order in its entirety, please see Appendix A (*Regional Appeal Boards Establishment Order*).

The *Urban and Rural Planning Act, 2000* may be accessed through the House of Assembly website at www.assembly.nl.ca/legislation.

3.0 PRIMARY CLIENTS

The Eastern Newfoundland Regional Appeal Board's primary clients are the following groups within the Eastern Region:

- residents who feel aggrieved by a council's or another authority's decision related to land use or development;
- businesses who feel aggrieved by a council's or another authority's decision related to land use or development;
- municipal councils; and
- Provincial Government departments.

4.0 VISION

The vision of the Eastern Newfoundland Regional Appeal Board is:

The public, municipalities and other authorities have access to an effective process to hear appeals of decisions filed with the board.

5.0 MISSION

The board has decided not to develop a separate mission statement, as the mission of the Eastern Newfoundland Regional Appeal Board is described in the board's mandate.

6.0 ACTIVITIES

Issue: **Land Use and Development Appeals**

The Eastern Newfoundland Regional Appeal Board contributes to government's strategic direction outcome of 'strengthened local government' through the timely adjudication of appeals related to land use and development, and the provision of feedback to municipal councils. 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 has a single focused mandate. Therefore, the board decided not to develop three year goals in its 2011-14 Activity Plan. Instead, it developed a single annual objective with accompanying measures and indicators to be reported on in each of the three years of its Activity Plan. The board fully met its objective in 2012-13, as detailed below.

Objective: By March 31, 2013, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

Measure 1: Heard appeals

Indicators	Progress and Accomplishments
Number of appeals heard	41
Number of appeal hearing days	15

Measure 2: Rendered decisions in a timely fashion

Indicators	Progress and Accomplishments
Number of written decisions rendered within 21 days from date of hearing	All of the board's decisions were rendered in writing within 21 days of the date of hearing.

7.0 OPPORTUNITIES AND CHALLENGES AHEAD

The opportunity for the board is to make a positive contribution to municipal governance through the hearing of appeals and rendering decisions in compliance with relevant legislation.

The challenge is to hear the appeals in as timely a manner as possible once they are ready for adjudication by the board. The board also intends to continue to maintain the board's high standards of rendering decisions in a timely fashion.

8.0 FINANCIAL STATEMENTS

The Eastern Newfoundland Regional Appeal Board is not required to provide audited financial statements. The board does not manage its own funds or financial statements. Board members are paid honoraria as well as related travel expenses from the budget of the Department of Municipal Affairs. The following is a summary of the board's 2012-13 expenditures:

Expenditure Item	Expenditure Amount
Honoraria	\$8,315
Travel	\$3,999
TOTAL	\$12,314

APPENDIX A: LEGISLATED MANDATE

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Important Information

(Includes disclaimer and copyright information and details about the availability of printed and electronic versions of the Statutes.)

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 997/96

Regional Appeal Boards Establishment Order
under the
Urban and Rural Planning Act
(O.C. 96-174)

Under the authority of section 7 of the *Urban and Rural Planning Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following Order.

ORDER

Analysis

Short title

1. This Order may be cited as the *Regional Appeal Boards Establishment Order*.

921/78 s1

Regional Appeal Boards

2. The following Regional Appeal Boards are established to hear, decide and issue orders respecting appeals within their respective areas of jurisdiction in all cases where, under the *Urban and Rural Planning Act* or regulations, an appeal board is required to do so:

(a) Eastern Newfoundland Regional Appeal Board, having jurisdiction over 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 a line drawn from Port Blandford to Terrenceville and including both of those communities;

(b) Central Newfoundland Regional Appeal Board, having jurisdiction over Central Newfoundland and more particularly described as all that area of the Island of Newfoundland situated east of a line drawn from Hampton to Rose Blanche excluding both of those communities and west of a line drawn from Port Blandford to Terrenceville and excluding both of those communities;

(c) West Newfoundland Regional Appeal Board, having jurisdiction over Western Newfoundland and more particularly described as all that area of the Island of Newfoundland situated west of a line drawn from Hampton to Rose Blanche and including both of those communities; and

(d) Labrador Regional Appeal Board having jurisdiction over Labrador.

921/78 s2; 140/79 s1

Repeal

3. The **Regional Appeal Boards (Establishment) Order, 1973, Newfoundland Regulation 921/78, is repealed.**

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