

# Eastern Newfoundland Regional Appeal Board

Annual Report  
2015-16

## Message from the Chair

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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 pursuant to section 42(1) of the *Urban and Rural Planning Act, 2000*, is to hear appeals brought forward by individuals aggrieved by 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 members of the Board are accountable for the actual results as reported herein. As Chair I am pleased to submit the Eastern Newfoundland Regional Appeal Board's Annual Report for the period April 1, 2015 to March 31, 2016. This report was prepared in accordance with the *Transparency and Accountability Act* requirements for category three entities.



Michelle Downey  
Chair  
Eastern Newfoundland Regional Appeal Board

## Table of Contents

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1.0 Overview..... 1

2.0 Report on Performance ..... 4

3.0 Opportunities and Challenges Ahead ..... 5

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## 1.0 Overview

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The Eastern Newfoundland Regional Appeal Board (the Board) is established pursuant to the *Urban and Rural Planning Act, 2000*. 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 municipal and Provincial Government authorities. Issues which may be appealed to the Board include:

- A decision made under the *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*;
- A decision to refuse to issue a permit under section 194 of the *Municipalities Act, 1999*;
- A decision made under the *Interim Development Regulations, 2003*;
- A decision under a local area plan, protected area plan, the *Protected Road Zoning Regulations* or the *Highway Sign Regulations, 1999*;
- A decision made under the *Occupancy and Maintenance Regulations*;
- Appeals as authorized by section 240 of the *City of Mount Pearl Act*; 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 other authority's decision and may impose conditions. The Board may direct the municipal council or the relevant authority to carry out its decision.

The Board does not hear appeals arising from decision of the St. John's city council. The City of St. John's has established its own local Board of appeal.

Under section 41(1) of the *Urban and Rural Planning Act, 2000* the minister shall appoint not fewer than three and not more than five persons. The Board consists of five members, including the chair. A quorum consists of a chair and two members. The Board members as of March 31, 2016 are:

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

The Board does not have an office or staff. Administrative and technical support is provided by the Department of Municipal Affairs.

In addition, the Board does not manage its own funds or financial statements and is not required to provide audited financial statements. Board members are paid honoraria and related travel expenses by the department.

The following is a summary of the Board's 2015-16 expenditures:

Expenditure Item	Expenditure Amount
Honoraria	\$11,395
Travel	\$ 4,165
<b>TOTAL</b>	<b>\$15,560</b>

## 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."*

The *Regional Appeal Boards Establishment Order* and the *Urban and Rural Planning Act, 2000*, may be accessed through the House of Assembly website at [www.assembly.nl.ca/legislation](http://www.assembly.nl.ca/legislation).

## 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.***

## Mission

With consideration of its mandate, the Board has determined that a mission statement and associated indicators are not necessary at this time. However, the Board's activities will instead contribute to the "strengthened supports to local governments" portion of the Department of Municipal Affairs' mission. A complete description of the department's mission and its indicators is described in the 2014-17 Strategic Plan.

## 2.0 Report on Performance

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**Issue:**            **Land Use and Development Appeals**

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 decided not to develop three year goals in its 2014-17 activity plan. Instead, it developed a single annual objective with an accompanying measure and associated indicators to be reported on in each of the three years of its Activity Plan.

**Objective:**            **By March 31, 2016 the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.**

**Measure:** Heard appeals and rendered decisions in a timely fashion.

**Indicators:**

**Number of appeals heard:** In 2015-16, the Board heard 48 appeals.

**Number of appeal hearing days:** In 2015-16, the Board held hearings on 22 days.

**Number of written decisions rendered within 21 days from date of hearing:** In 2015-16, the Board rendered decisions on 47 appeals within 21 days of the appeal hearing date. A decision on the final appeal is expected early in fiscal 2016-17.

### **3.0 Opportunities and Challenges Ahead**

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The opportunity for the Board is to make a positive contribution to municipal governance through hearing of appeals and rendering decisions in compliance with applicable legislation. Municipalities can strengthen their future decision making through referencing decisions rendered by the Board in regard to all regional appeals.

The challenge for the Board is to hear the appeals in a timely manner once they are ready for adjudication by the Board. Through past practice and in consultation with the Central Newfoundland Regional Appeal Board and the West Newfoundland Regional Appeal Board, the Eastern Newfoundland Regional Appeal Board has determined that 21 days is a reasonable time in which to consider all information provided to the Board while at the same time meet the needs of applicants and municipalities.