

Eastern Newfoundland Regional Appeal Board

Annual Report
2018-19

Message from the Chair

On behalf of the Eastern Newfoundland Regional Appeal Board, I am pleased to submit our Annual Report for the reporting period April 1, 2018 to March 31, 2019. This report was prepared in accordance with the **Transparency and Accountability Act** requirements for category three entities. The members of the Board are accountable for the actual results as reported herein.

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 Island portion of the province. The Board's mandate pursuant to subsection 42(1) of the **Urban and Rural Planning Act, 2000**, is to hear appeals brought forward by individual(s) aggrieved by a municipality or another provincial authority's decision regarding land use and development. The board also hears appeals resulting from orders issued under section 404 of the **Municipalities Act, 1999**, as well as section 204 of the **City of Mount Pearl Act**.

A handwritten signature in black ink, reading "Clifford Johnston". The signature is written in a cursive style with a large initial "C".

Clifford Johnston
Chairperson

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Overview

The Eastern Newfoundland Regional Appeal Board (the “Board”) is established under the **Urban and Rural Planning Act, 2000**. Its board members are appointed by the Minister of Municipal Affairs and Environment. The Board hears appeals related to land use planning 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 **Municipal 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 Interim **Municipal Development Regulations**;
- a decision under a Protected Area Plan, **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, including Municipal Plans and Development Regulations, where specifically designated.

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

The Board considers and determines appeals 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. 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 has established its own local appeal board.

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The Board consists of three to five members, including the chairperson. All members are appointed by the Minister in accordance with the Independent Appointments Commission process; a quorum consists of a chairperson and two members. In the absence of a chairperson, another member of the Board may act in the chairperson capacity. All Board member positions were filled during fiscal 2018-19, with four new members appointed in August 2018 and one member appointed in November 2018. The Board members are as follows:

Name	Community of Residence
Chair – Clifford Johnston	St. John's
Paul Boundridge	St. John's
Damian Ryan	St. John's
Carol Ann Smith	Torbay
Robert Warren	St. John's

The Board does not have an office or staff, nor does it manage its own finances. Administrative and technical support is provided by the Department of Municipal Affairs and Environment ("MAE"). Board members are paid honoraria, as well as related travel expenses from the Department's budget.

The following is a summary of MAE's 2018-19 expenditures related to the Board's honoraria and related travel expenses:

Expenditure Name	Expenditure Amount
Honoraria	\$8,440.00
Travel Cost	\$0
Total	\$8,440.00

Mandate

The Eastern Newfoundland Regional Appeal Board is mandated by subsection 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 set out in subsection 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 the line drawn from Port Blandford to Terrenceville and including both those communities."

The Regional **Appeal Boards Establishment Order** and the **Urban and Rural Planning Act, 2000** are accessible through the House of Assembly website at www.assembly.nl.ca/legislation.

Report on Performance

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 developed a single annual objective and associated indicators to be reported on in each of the three years of its 2017-2020 Activity Plan.

Objective

By March 31, 2019, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

2018-19 Indicator	Actual Result
Number of appeals heard	27 appeals were heard in 2018-19
Number of appeal hearing days	Appeals were heard on 17 days
Number of written decisions rendered within 21 days from date of hearing	27 written decisions rendered

Opportunities and Challenges

The opportunity for the Board is to make a positive contribution to land use planning through the 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.

The challenge for the Board is to hear the appeals and render decisions in a timely manner while also working to modernize processes, participating in training opportunities, and adhering to administrative law principles and best practices for quasi-judicial tribunals.