

A photograph of an office environment. In the foreground, a stack of white papers is clipped together with a silver paperclip on a dark wooden desk. A red office chair is partially visible on the right side of the frame. The background is blurred, showing a window and some office equipment.

**Eastern Newfoundland
Regional Appeal Board
Activity Plan
2011-14**

Message from the Chairperson

In accordance with Government's commitment to accountability, I have the honour to submit the Eastern Newfoundland Regional Appeal Board's Activity Plan for the period April 1, 2011- March 31, 2014.

The mandate of the Board is to hear appeals related to land use and development, as defined in section 42(1) of the *Urban and Rural Planning Act, 2000*. The Board also hears appeals resulting from an order issued under Section 404 of the *Municipalities Act, 1999*, and Section 240 of the *City of Mount Pearl Act*. Section 42 of the *Urban and Rural Planning Act, 2000* outlines procedures with respect to appeals.

The Eastern Newfoundland Regional Appeal Board has the authority to hear appeals in the eastern region of the province, as delineated in the *Regional Appeal Boards Establishment Order*.

For purposes of the *Transparency and Accountability Act* and the *Urban and Rural Planning Act, 2000*, the Board is accountable to the Minister of Municipal Affairs. The Eastern Newfoundland Regional Appeal Board is a category 3 government entity under the province's *Transparency and Accountability Act*, and as such is required to prepare an Activity Plan every three years. In preparing its plan, the Board has taken into consideration the strategic directions of Government, as communicated by the Minister of Municipal Affairs. Through the timely adjudication of appeals and the provision of feedback to municipal councils, the Board will make a contribution to the Department of Municipal Affairs' strategic direction of *strengthened local government*.

The members of the Eastern Newfoundland Regional Appeal Board are fully accountable for the preparation of this plan and the achievement of its objectives. We look forward to carrying out our duties in the coming years.



Victoria Connolly, Chair
Eastern Newfoundland Regional Appeal Board

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1.0 Overview

Regional Appeal Boards are established under the *Urban and Rural Planning Act, 2000*. They hear appeals related to land use and development, primarily issues arising from decisions of municipalities. Issues which may be appealed to the Eastern Regional Appeal Board include decisions made by a municipal council or a Provincial Government authority related to:

- a town's 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 Development Regulations;
- a decision under a Local Area Plan, Protected Area Plan, Protected Road Zoning Regulations, or Highway Sign Regulations;
- a town's Occupancy and Maintenance Regulations;
- decisions made under any other Act or regulations where specifically designated.

Appeals may be made by an individual or an association of persons.

Regional Appeal Boards consider and determine 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. The Board may direct the municipal council or the relevant authority to carry out its decision.

The Eastern Newfoundland Regional Appeal Board does not hear St. John's appeals, as the City of St. John's has established its own local board of appeal.

The Eastern Newfoundland Regional Appeal 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, Member	Goulds
Mary Thorne-Gosse, Member	Torbay
Bruce Strong, Member	Clarenville
Harold Porter, Member	Conception Bay South

The Eastern Newfoundland Regional Appeal Board does not have an office or staff, nor does it manage its own funds or financial statements. Administrative and technical support is provided by the Department of Municipal Affairs. Board members are paid an honoraria plus related travel expenses from the budget of the Department of Municipal Affairs. Following is a summary of the Board's expenditures for fiscal year 2010-11:

Expenditure Item	Expenditure Amount
Honoraria	\$3,875
Travel	\$2,060
TOTAL	\$5,935

2.0 Mandate

The Eastern 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 Values

The core values explain the guiding framework for Board members. These values are demonstrated in decision-making and through interactions with each other and through interactions with clients and stakeholders. The value action statements ensure the core values are visible by identifying specific actions the Board will observe during the period of this Activity Plan.

Core Values

Value Action Statements

Respect:	Members will be considerate when interacting with others.
Recognition:	Members will appropriately acknowledge the contributions of others.
Teamwork:	Members pursue opportunities for working with others to achieve a common goal.
Pursuit of Excellence:	Members take responsibility for optimizing their performance.

4.0 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
- Provincial Government departments.

5.0 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.

6.0 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.

7.0 Issues

Issue: Land Use and Development Appeals

The Department of Municipal Affairs supports strengthened local government. The Board will make a contribution to this strategic direction 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 Eastern Newfoundland Regional Appeal Board has a single focused mandate. Consequently, the Board has set as their priority focus the timely hearing of appeals from aggrieved persons or an association of persons. The Board has decided not to develop 3-year goals but to develop a single annual objective that will be reported on in each of the three years of this Activity Plan.

Objective: By March 31, 2012, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion

Measure 1: Heard appeals

Indicators:

- number of appeals heard
- number of appeal hearing days

Measure 2: Rendered decisions in a timely fashion

Indicators:

- number of written decisions rendered within 21 days from date of hearing

The above objective, measures and indicators will also be undertaken and reported on in subsequent years of this Activity Plan.

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.

Appendix B: Strategic Directions

Strategic Directions

Strategic directions are the articulation of desired physical, social or economic outcomes and normally require action by more than one government entity. These directions are generally communicated by Government through platform documents, Throne and Budget Speeches, policy documents, and other communiqués. The *Transparency and Accountability Act* requires departments and public bodies to take into account these strategic directions in the preparation of their performance-based plans. This action will facilitate the integration of planning practices across Government and will ensure all entities are moving forward on key commitments.

The Eastern Newfoundland Regional Appeal Board falls under the responsibility of the Minister of Municipal Affairs, and as such must take into consideration the strategic directions as communicated to the Board from that Minister. Each strategic direction consists of a number of components, or focus areas. The Eastern Newfoundland Regional Appeal Board must take these directions and their relevant component areas into consideration in the development of their plan. While none of the specific component areas apply to the Board, the Board has determined that its work will contribute to the following strategic direction:

Title: LOCAL GOVERNMENT SUSTAINABILITY

Outcome: Strengthened local government

The above strategic direction and outcome statement represent only a portion of the strategic directions and outcome statements applicable to the Minister of Municipal Affairs. The full description can be found in the Appendix of the Department of Municipal Affairs Strategic Plan for 2011-14.