

West Newfoundland Regional Appeal Board

Annual Report
2015-16

Message from the Chair

Pursuant to the *Regional Appeal Boards Establishment Order*, the West Newfoundland Regional Appeal Board has the authority to hear appeals in the western region of the Island portion 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 an 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 240 of the *City of Corner Brook Act*.

The members of the board are accountable for the actual results as reported herein. As acting Chair, I am pleased to submit the West 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.



Gary Parsons
Chair (Acting)
West Newfoundland Regional Appeal Board

Table of Contents

1.0 Overview..... 1

2.0 Report on Performance 4

3.0 Opportunities and Challenges Ahead 5

1.0 Overview

The West 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 *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 Corner Brook Act*;
- A decision to refuse to issue a permit under section 194 of the *Municipalities Act, 1999*;
- A decision made under *Interim Development Regulations, 2003*;
- A decision under a local area plan, protected area plan, *Protected Road Zoning Regulations* or the *Highway Sign Regulations, 1999*;
- 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 other authority's decision and may impose conditions. The board may direct the municipal council or the relevant authority to carry out its decision.

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. In 2015-16 the board operated with three 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
Gary Parsons, Chair (Acting)	Corner Brook
Bill Madore	Corner Brook
Joseph Guinchard	Corner Brook
Vacancy	
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 and is not required to provide audited financial statements. The department pays honoraria and reimburses travel expenses to board members related to their roles with the board.

The following is a summary of the board's 2015-16 expenditures. The budget in 2015-16 has doubled since 2014-15 which is proportional to the increase in the number of hearings and appeals in 2015-16.

Expenditure Item	Expenditure Amount
Honoraria	\$3,360
Travel	\$1,147
TOTAL	\$4,507

Mandate

The West 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(c) of the *Regional Appeal Boards Establishment Order*, under the authority of section 40 of the *Urban and Rural Planning Act, 2000*:

"...Western Newfoundland and more particularly described as all that area of the Island of Newfoundland situated west of a line drawn from Hampden to Rose Blanche 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.

Vision

The vision of the West 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 department's 2014-17 Strategic Plan.

2.0 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 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 West 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 18 appeals.

Number of appeal hearing days: In 2015-16, the board held hearings on seven days.

Number of written decisions rendered within 21 days from date of hearing: In 2015-16, the Board rendered decisions on 18 appeals within 21 days of the appeal hearing date.

3.0 Opportunities and Challenges Ahead

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 Eastern Newfoundland Regional Appeal Board and the Central Newfoundland Regional Appeal Board, the West 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.