

Eastern Newfoundland Regional Appeal Board

Annual Report
2014-15

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SEP 28 2015

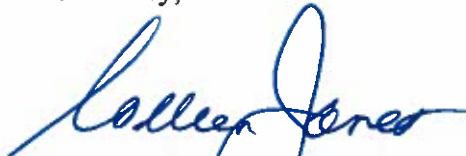
Ms. Sandra Barnes
Clerk of the House of Assembly
East Block, Confederation Building

Dear Ms. Barnes:

On behalf of Minister Hutchings, I am pleased to submit the 2014-15 Annual Report for the Eastern Newfoundland Regional Appeal Board in accordance with section 9 of the *Transparency and Accountability Act*. Ten copies of the report are enclosed.

Please feel free to contact me a 729-3052 if you have any questions.

Sincerely,

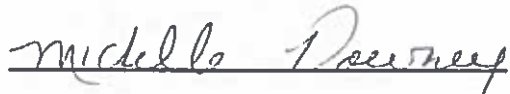

COLLEEN JANES
Deputy Minister for Municipal Affairs

Enclosures

Message from the Responsible Person

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 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 members of the Board are accountable for the actual results as reported herein. Chair Victoria Connolly resigned at fiscal year-end 2014-15. In the absence of a chair, and on behalf of the Board, I, Michelle Downey, am pleased to submit the Eastern Newfoundland Regional Appeal Board's Annual Report for the period April 1, 2014 to March 31, 2015. This report was prepared in accordance with the *Transparency and Accountability Act* requirements for category three entities.



Michelle Downey
Board Member Representative
Eastern Newfoundland Regional Appeal Board

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1.0 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 and Intergovernmental 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 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. 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. The Board members as of March 31, 2015 are:

Name	Community of Residence
Victoria Connolly, Chair (Resigned July 2015)	Conception Bay South
Michelle Downey	Goulds
Mary Thorne-Gosse	Torbay
Bruce Strong	Clareville
Harold Porter	Conception Bay South

The Board does not have an office or staff. Administrative and technical support is provided by the Department of Municipal and Intergovernmental 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 from the department's budget.

The following is a summary of the Board's 2014-15 expenditures:

Expenditure Item	Expenditure Amount
Honoraria	\$10,140
Travel	\$3,708
TOTAL	\$13,848

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.

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

In the development of the Activity Plan, the Board determined that a mission statement and associated indicators were not necessary. The Board's activities will instead contribute to the "strengthened supports to local governments" portion of the Department of Municipal and Intergovernmental 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. In this manner the Board strengthens municipal capacity, a strategic direction of the Department of Municipal and Intergovernmental Affairs.

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, 2015 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 2014-15, the Board heard 48 appeals.

Number of appeal hearing days: In 2014-15, the Board held hearings on 20 days.

Number of written decisions rendered within 21 days from date of hearing: In 2014-15, the Board rendered decisions on all 48 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 precedents set by the Board's decisions 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 Western 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.