

# West Newfoundland Regional Appeal Board

Annual Report  
2017-18

## Message from the Chair

I am pleased to submit the West Newfoundland Regional Appeal Board Annual Report for the reporting period April 1, 2017 to March 31, 2018. This report was prepared in accordance with the **Transparency and Accountability Act** requirements for category three entities. As Minister of Municipal Affairs and Environment, I am accountable for the actual results as reported herein.

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**.



**ANDREW PARSONS Q.C.**

Minister of Municipal Affairs and Environment

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## Overview

The West Newfoundland Regional Appeal Board (the “Board”) is established by 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 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** 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 **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 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. Further, the board may direct a municipal council or relevant authority to carry out its decision.

The Board consists of three to five members, including the chairperson. A quorum consists of a chairperson and two members. In the absence of a chairperson, another member of the Board

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may act in the chairperson capacity. The Department of Municipal Affairs and Environment is actively seeking appointments to fill vacancies through the Independent Appointments Commission process in early 2018-19. As of March 31, 2018 the members of the board are:

<b>Name</b>	<b>Community of Residence</b>
Chair (vacant)	
Gary Parsons	Corner Brook
William Madore	Corner Brook
Joseph Guinchard	Corner Brook
Vacant	

The board does not have an office or staff, nor does it manage its own financial statements. 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 2017-18 expenditures related to the board's honoraria and travel expenses:

<b>Expenditure Name</b>	<b>Expenditure Amount</b>
Honoraria	\$0
Travel Cost	\$0
<b>Total</b>	<b>\$0</b>

Due to the fact the Board did not reach quorum during 2017-18, the Board did not meet and there were no expenditures related to their activity.

## 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 Hampton 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](http://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, 2018 the West Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

The indicators established were:

- number of appeals heard.
- number of appeal hearing days.
- number of written decisions rendered within 21 days from date of hearing.

The West Newfoundland Regional Appeal Board was unable to reach quorum throughout 2017-18 due to scheduling issues and, as such, no appeals were heard this fiscal year. Seven appeals were received during through 2017-18. The Board is anticipated to have full membership early in 2018-19 fiscal year and will resume hearing appeals once quorum is met.

## Opportunities and Challenges

The opportunity for the Board is to make a positive contribution to municipal governance and 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, increasing training opportunities, and adhering to administrative law principles and best practices for quasi-judicial tribunals.