

**Eastern Newfoundland
Regional Appeal Board
Annual Report
2013-14**

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CHAIRPERSON'S MESSAGE

I am pleased to submit the Eastern Newfoundland Regional Appeal Board's 2013-14 Annual Activity Report in accordance with the *Transparency and Accountability Act*. The report covers the period from April 1, 2013 – March 31, 2014. The board is a category three government entity within the context of the province's *Transparency and Accountability Act*.

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, as defined in 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 board's actions contributed to one of government's strategic direction outcomes, 'strengthened local government,' as articulated in the former Department of Municipal Affairs' 2011-2014 Strategic Plan. This report documents the board's performance in the final year of our 2011-14 Activity Plan. The board is accountable for the results reported herein.

Respectfully submitted,



Victoria Connolly, Chair
Eastern Newfoundland Regional Appeal Board

1.0 BOARD 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 municipalities or a provincial government authority. 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, as 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. Members of the board as of March 31, 2014 were:

| Name | Community of Residence |
|--------------------------|------------------------|
| Victoria Connolly, Chair | 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 as well as related travel expenses from the department's budget.

The following is a summary of the board's 2013-14 expenditures:

| Expenditure Item | Expenditure Amount |
|------------------|--------------------|
| Honoraria | \$11,680 |
| Travel | \$5,430 |
| TOTAL | \$17,110 |

2.0 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.

3.0 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; and,
- Provincial Government departments.

4.0 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.

5.0 MISSION

The board has decided not to develop a separate mission statement as it would be repetitive of the board's mandate. Further, by providing an appeal process pursuant to section 42 of the *Urban and Rural Planning Act, 2000*, the board contributes to the department's mission to have "strengthened support to local governments."

6.0 ISSUE

Land Use and Development Appeals

The Eastern Newfoundland Regional Appeal Board contributed to government's strategic direction outcome of 'strengthened local government' 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 enabled 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 has a single focused mandate. Therefore, the board decided not to develop three year goals in its 2011-14 Activity Plan. Instead, it developed a single annual objective with accompanying measures and indicators to be reported on in each of the three years of its Activity Plan. The board fully met its objective in 2013-14, as detailed below.

Objective: By March 31, 2014, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

Measure 1: Heard appeals

| Indicators | Progress and Accomplishments |
|-------------------------------|-------------------------------------|
| Number of appeals heard | 66 |
| Number of appeal hearing days | 21 |

Measure 2: Rendered decisions in a timely fashion

| Indicators | Progress and Accomplishments |
|--|--|
| Number of written decisions rendered within 21 days from date of hearing | All of the board's decisions were rendered in writing within 21 days of the date of hearing. |

7.0 OPPORTUNITIES AND CHALLENGES AHEAD

The opportunity for the board is to make a positive contribution to municipal governance through the hearing of appeals and rendering decisions in compliance with relevant legislation.

The challenge is to hear the appeals in as timely a manner as possible once they are ready for adjudication by the board.