



Digital Government and Service NL

# Buildings Accessibility Appeal Tribunal

Annual Activity Report  
2022-23

For more information:

Website: [www.gov.nl.ca/dgsnl/](http://www.gov.nl.ca/dgsnl/)

Digital Government and Service NL

P. O. Box 8700, Confederation Building

St. John's, NL A1B 4J6

Telephone: 709.729.4834 Fax: 709.729.4754

E-mail: [serviceninfo@gov.nl.ca](mailto:serviceninfo@gov.nl.ca)

#### **REFERENCE PERIOD**

This report covers the period of April 1, 2022 through to March 31, 2023, the fiscal year of the Buildings Accessibility Appeal Tribunal.

**Table of Contents**

**Chairperson’s Message** ..... 1

**Overview** ..... 2

**Vision** ..... 2

**Mandate** ..... 2

**Report on Performance** ..... 3

**Opportunities and Challenges** ..... 3

**Financial Statements** ..... 4

## Chairperson's Message

As Chairperson of the Buildings Accessibility Appeal Tribunal (the Tribunal), I am pleased to submit the Annual Activity Report for 2022-23. This Report is prepared in compliance with the **Transparency and Accountability Act**, which requires the Tribunal to prepare a yearly report as a Category 3 Government entity. The Tribunal is accountable for the preparation of this Report and for the achievement of its objectives.

The Tribunal's objective is to process all appeals in accordance with the requirements of the **Buildings Accessibility Act** and its associated regulations.

Yours truly,



**Michael Duffy**

Chairperson

## **Overview**

The Tribunal is an independent, quasi-judicial body that has the function of hearing and adjudicating an appeal made under section 23 of the **Buildings Accessibility Act** (the Act). The Tribunal, after hearing an appeal, may confirm, revoke or vary the action taken by the Director of Engineering and Inspection Services with respect to administration of the Act and Regulations. The Tribunal is appointed by the Lieutenant-Governor in Council under the authority of section 20 of the Act. It is comprised of five members including a Chairperson, a Vice-Chairperson and three persons, one of whom shall be a representative of persons with disabilities.

Members of the Tribunal in 2022-23 were:

- Michael Duffy, Chairperson
- Emily Fouchard
- Derrick House
- Brenda Kelleher-Flight
- Debbie Ryan

## **Vision**

The Tribunal works to ensure the fair and equitable application of its mandate as outlined in legislation.

## **Mandate**

The Tribunal's mandate is to hear and adjudicate appeals of notices, decisions, directions or orders confirmed or varied by the Director of Engineering and Inspection Services with respect to building accessibility. Decisions of the Tribunal are based on a review of written and oral submissions and documents, and may be appealed to the courts. The Tribunal convenes only when an appeal has been filed.

## **Report on Performance**

This Report outlines the Tribunal's activities from April 1, 2022 to March 31, 2023, including the objectives achieved as outlined in the 2020-23 Activity Plan.

### **Objective:**

By March 31, 2021, 2022 and 2023, the Buildings Accessibility Appeal Tribunal will have processed all appeals it has received in accordance with the requirements of the Act.

### **Indicators:**

- Number of appeal hearings commenced not later than 30 days after receipt of written notice of appeal.
- Number of appeal decisions provided to appellant in writing within 45 days of hearing appeal.

### **Results Achieved:**

- No appeals were filed with the Tribunal during the 2022-23 fiscal year, and the Tribunal heard no appeals over the same time period.

## **Opportunities and Challenges**

COVID-19 issues have presented a unique challenge for all sectors of the economy affected by buildings accessibility. Improvements to buildings (i.e. accessibility) have been delayed or halted. This is expected to remain a challenge for these sectors and may continue to be a challenge for the Tribunal.

There were no appeals heard or filed in the reporting period and therefore, barring a significant unforeseen anomaly, the tribunal does not anticipate challenges in fulfilling its mandate in 2023-24.

## **Financial Statements**

The Tribunal is not required to submit audited financial statements.



**Digital Government and Service NL**