

# Central Newfoundland Regional Appeal Board

Annual Report  
2020-21

## Message from the Chair

I am pleased to submit the Central Newfoundland Regional Appeal Board Annual Report for the reporting period April 1, 2020 to March 31, 2021. This report was prepared in accordance with the Transparency and Accountability Act requirements for category three entities. The members of the Board are accountable for the actual results as reported herein.

Pursuant to the Regional Appeal Boards Establishment Order, the Central Newfoundland Regional Appeal Board has the authority to hear appeals in the central region of the Island portion of the province. The board's mandate pursuant to subsection 42(1) of the Urban and Rural Planning Act, 2000, is to hear appeals brought forward by 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.

A handwritten signature in black ink, appearing to read 'William Carter', with a large, stylized flourish above the name.

**William Carter**  
Chairperson



# Contents

<b>Message from the Chair</b> .....	2
<b>Contents</b> .....	3
<b>Overview</b> .....	4
<b>Mandate</b> .....	6
<b>Vision</b> .....	6
<b>Report on Performance</b> .....	7
<b>Issue: Land Use and Development Appeals</b> .....	7
<b>Objective</b> .....	7
<b>Opportunities and Challenges</b> .....	7

## Overview

Due to Government of Newfoundland and Labrador departmental restructuring in April 2021, the Central Newfoundland Regional Appeal Board now falls under the mandate of the Department of Municipal and Provincial Affairs (MAPA). However, the activities and outcomes of this Annual Report were completed under the previous iterations of the Departments of Municipal Affairs, and Environment and Environment, Climate Change and Municipalities.

The Central Newfoundland Regional Appeal Board (the Board) is established by the **Urban and Rural Planning Act, 2000**. The Minister responsible for municipalities appoints its Board members. 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 Plans and Development Regulations**;
- a decision made under **Interim 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**;
- a decision to refuse to issue a permit under section 194 of the **Municipalities Act, 1999**;
- 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, including **Municipal Plans and Development Regulations**, where specifically designated.

Appeals may be made by a person or an association of persons.

The Board considers and determines appeals 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

## Central Regional Appeal Board 2020-21 Annual Report

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 the chairperson, another member of the Board may act in the chairperson's capacity. The Board had four active members during 2020-21. However, as of March 31, 2021 there was only three active members:

<b>Name</b>	<b>Community of Residence</b>
William Carter - Chair	Harbour Breton
David Oxford	Grand Falls- Windsor
Barry Thomson	Gander
Vacant	
Vacant	

The Board does not have an office location or staff, nor does it manage its own finances. MAPA provides administrative and technical support. Board members are paid honoraria as well as related travel expenses from the MAPA budget.

The following is a summary of the 2020-21 expenditures related to the Central Newfoundland Regional Appeal Board's honoraria and travel expenses:

<b>Expenditure Name</b>	<b>Expenditure Amount</b>
Honoraria	\$1,530.00
Travel Cost	\$1,433.79
<b>Total</b>	<b>\$2,963.79</b>

## Mandate

The Central Newfoundland Regional Appeal Board is mandated by subsection 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.

The Board's geographic area of jurisdiction is prescribed in subsection 2(c) of the **Regional Appeal Boards Establishment Order**, under the authority of section 40 of the **Urban and Rural Planning Act, 2000**:

“...Central Newfoundland and more particularly described as all that area of the Island of Newfoundland situated east of a line drawn from Hampton to Rose Blanche excluding both of those communities and west of a line drawn from Port Blandford to Terrenceville and excluding both of those communities.”

The **Regional Appeal Boards Establishment Order** and the **Urban and Rural Planning Act, 2000**, are accessible through the House of Assembly website at [www.assembly.nl.ca/legislation](http://www.assembly.nl.ca/legislation).

## Vision

The vision of the Central 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.**

## 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 has developed a single annual objective and associated indicators to report in each of the three years of its current [activity plan](#) (2020-23).

### Objective

By March 31, 2021, the Central Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

2019-20 Indicator	Actual Result
Number of appeals heard	3 appeals were heard in 2020-21
Number of appeal hearing days	Appeals were heard on 3 days
Number of written decisions rendered within 21 days from date of hearing	3 written decisions rendered within 21 days

## Opportunities and Challenges

The opportunity for the Board is to make a positive contribution to 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.

## Central Regional Appeal Board 2020-21 Annual Report

The major challenge for the Board is to hear appeals and render decisions in a timely and efficient manner while at the same time working to modernize processes, participate in training opportunities, and adhere to administrative law principles and best practices for quasi-judicial tribunals.

The COVID-19 pandemic continued to present a challenge for in-person appeal opportunities and required flexible scheduling and the use of virtual meeting technology.