

# Eastern Newfoundland Regional Appeal Board

Activity Plan  
2014-17

## Message from the Chairperson

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I am pleased to submit the Eastern Newfoundland Regional Appeal Board's Activity Plan for the period April 1, 2014 to March 31, 2017. This plan was prepared in accordance with the *Transparency and Accountability Act* requirements for category three entities.

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*.

In preparing the plan, the board has taken into consideration the strategic directions of Government, as communicated by the Minister of Municipal and Intergovernmental Affairs. However, the board has determined that these strategic directions do not directly impact the board's mandate.

The members of the board are accountable for the preparation of this plan and the achievement of its objective. We look forward to carrying out our duties in the coming years.



Victoria Connolly, Chair  
Eastern Newfoundland Regional Appeal Board

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## 1.0 Overview

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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. Current members of the board are:

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
<b>TOTAL</b>	<b>\$17,110</b>

## 2.0 Mandate

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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](http://www.assembly.nl.ca/legislation).

## 3.0 Values

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The core values explain the guiding framework for board members. These values are demonstrated in decision-making and through interactions with each other and through interactions with clients and stakeholders. The value action statements ensure the core values are visible by identifying specific actions the board will observe during the period of this activity plan.

**Core Values**

**Value Action Statements**

<b>Respect:</b>	Members will be considerate when interacting with others.
<b>Recognition:</b>	Members will appropriately acknowledge the contributions of others.
<b>Collaboration:</b>	Members pursue opportunities for working with others to achieve a common goal.

## **4.0 Primary Clients**

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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.

## **5.0 Vision**

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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.***

## **6.0 Mission**

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With consideration of its mandate, the board has determined that a mission statement and associated indicators are not necessary at this time. However, 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 available in the department's 2014-17 Strategic Plan.

## **7.0 Issue**

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### **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 preparing the plan, the board has taken into consideration the strategic directions of Government, as communicated by the Minister of Municipal and Intergovernmental Affairs. However, the board has determined that these strategic directions do not directly impact the board's mandate.

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