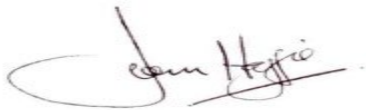


Eastern
Regional Appeal Board
Annual Report 2022-2023

Message from the Chair

I am pleased to submit the Eastern Newfoundland Regional Appeal Board Annual Report for the reporting period April 1, 2022 to March 31, 2023. 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. On June 1, 2023 amendments were made to the **Urban and Rural Planning Act, 2000** which resulted in the disestablishment of the Regional Appeal Boards. (Please see Page 4 on Disestablishment of the Boards).

Pursuant to the **Regional Appeal Boards Establishment Order**, the Eastern Newfoundland Regional Appeal Board had the authority to hear appeals in the eastern 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**, (prior to the changes made on June 1, 2023) was 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 heard appeals resulting from orders issued under section 404 of the **Municipalities Act, 1999**, as well as section 204 of the **City of Mount Pearl Act**.



Honourable Dr. John Haggie

Minister of Municipal and Provincial Affairs

Registrar General

Member for Gander

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Disestablishment

On June 1, 2023 amendments were made to the **Urban and Rural Planning Act, 2000** which resulted in the disestablishment of the Regional Appeal Boards. Formerly, the Boards were created under the Act, but pursuant to recent amendments to the Act, the Boards have been disestablished and replaced by adjudicators. This is the last reporting year (2022-23) for the Boards. The substantive change to the Act is the change in structure from Boards to adjudicators and as such, the authorities in the Act have been revised to reflect this change. Adjudicators will now perform all duties, functions and operations formerly held by the Boards. There is no requirement for adjudicators to prepare plans and annual reports. The Department of Municipal and Provincial Affairs will report on adjudicators/appeals in the Departmental Annual Report. The following is a report based on activities performed by the Board prior to amendments to the **Urban and Rural Planning Act, 2000**.

Overview

Prior to amendments to the **Urban and Rural Planning Act, 2000**, the Eastern Newfoundland Regional Appeal Board (the “Board”) was established by the **Urban and Rural Planning Act, 2000**. The Minister of Municipal and Provincial Affairs (MAPA) appointed the Board members. The Board heard appeals related to land use and development issues that arose from decisions made by municipalities or a provincial government authority. Issues which could be appealed to the Board included:

- 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 Mount Pearl 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, including Municipal Plans and Development Regulations, where specifically designated.

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

The Board considered and determined appeals in accordance with all relevant legislation, including municipal by-laws. Section 42 of the **Urban and Rural Planning Act, 2000**, outlined procedures with respect to appeals. The Board could confirm, reverse or vary a municipal council or other authority’s decision and could impose conditions. Further, the Board could direct a municipal council or relevant authority to carry out its decision. The Board did not hear appeals arising from decisions of the St. John’s City Council, as the City had established its own appeal board.

Staff and Budget

The Board consisted of three to five members, including the chairperson. A quorum consisted of a chairperson and two members. In the absence of the chairperson, another member of the Board could act in the chairperson's capacity. The Board composition as of March 31, 2023 was as follows:

Name	Community of Residence
Clifford Johnston, Chair	St. John’s
Paul Boundridge	St. John’s
Lisa Slaney	Marystown
Carol Ann Smith	Torbay
VACANT	

The Board did not have an office location or staff, nor did it manage its own finances. MAPA provided administrative and technical support. Honoraria for Board members as well as travel expenses related to appeals were paid from the Department’s budget.

The following is a summary of the 2022-23 expenditures related to the Eastern Newfoundland Regional Appeal Board’s honoraria and travel expenses:

Expenditure Name	Expenditure Amount
Honoraria	\$14,725.00
Travel Cost	\$4,086.12
Total	\$18,811.12

Vision

The vision of the Board was that the public, municipalities and other authorities have access to an effective process to hear appeals of decisions filed with the Board.

Mandate

Prior to the amendments to the **Urban and Rural Planning Act, 2000**, the Eastern Newfoundland Regional Appeal Board was 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 was prescribed in subsection 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 the line drawn from Port Blandford to Terrenceville and including both those communities.”

The **Regional Appeal Boards Establishment Order** and the **Urban and Rural Planning Act, 2000**, were formerly accessible through the House of Assembly website but have since been removed due to amendments made on June 01, 2023.

Report on Performance

Issue: Land Use and Development Appeals

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

2022-23 Objective

By March 31, 2023, the Eastern Newfoundland Regional Appeal Board will have heard appeals and have rendered decisions in a timely fashion.

2022-23 Indicator	Actual Result
Number of appeals heard	21 appeals were heard in 2022-23

Number of appeal hearing days	There were 15 days of hearings in 2022-23
Number of written decisions rendered within 21 days from date of hearing	21 written decisions rendered within 21 days of hearings

The Board met its objective of hearing appeals and rendering decisions as per its mandate.

Opportunities and Challenges

In 2022, the Department of Municipal and Provincial Affairs brought forward changes to the **Urban and Rural Planning Act, 2000** to amend the appeal provisions in Part VI. The amendments were proclaimed and came into effect as of June 1, 2023. Under the amendments, the four current Regional Appeal Boards are now disestablished and replaced with a roster of professional adjudicators from across the province, to adjudicate appeals.

The Board had opportunity to make positive contributions to land use planning through the hearing of appeals, and by rendering decisions in compliance with applicable legislation. The process helped municipalities strengthen future decision-making by means of referencing decisions rendered by the Board.

The major challenge for the Board was 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.

Adjudicators are now responsible for these activities as reflected in the authorities of the amended Act.