



**Eastern Newfoundland
Regional Appeal Board
Annual Report
2009-10**

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CHAIRPERSON'S MESSAGE

In accordance with Government's commitment to accountability, I am pleased to submit the Eastern Newfoundland Regional Appeal Board's 2009-10 annual performance report under the *Transparency and Accountability Act*.

The mandate of the Eastern Newfoundland Regional Appeal Board is to hear appeals brought forward by individuals dissatisfied with a municipality's or another authority's decision regarding issuance of land use permits.

The Board's actions contributed to one of Government's strategic directions: *strengthened municipal capacity*, as articulated in the Department of Municipal Affairs' 2008-2011 Strategic Plan.

The Eastern Newfoundland Regional Appeal Board consists of myself, Victoria Connolly, Paul Shallow, Barry Petten, and Michelle Downey. A quorum consists of a chairperson and two members. Coordination and technical support is provided by the Department of Municipal Affairs.

This report documents the Board's performance in the second year of its 2008-11 Activity Plan. The members of the Eastern Newfoundland Regional Appeal Board are accountable for the results reported. The Board looks forward to continuing to carry out its mandate and Activity Plan in the coming year.

Respectfully submitted,



Patrick O'Keefe, Chair
Eastern Newfoundland Regional Appeal Board

1.0 BOARD OVERVIEW

Regional Appeal Boards are established under the *Urban and Rural Planning Act, 2000* to hear appeals arising from:

- a decision made under a town's 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 St. John's Act*, *City of Mount Pearl Act* and the *City of Corner Brook 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 a Local Area Plan, Protected Area Plan, Protected Road Zoning Regulations, and Highway Sign Regulations;
- a decision made under a town's Occupancy and Maintenance Regulations; and
- decisions made under any other Act or Regulations where specifically designated.

Regional Appeal Boards consider and determine an appeal in accordance with legislation and Section 42 of the *Urban and Rural Planning Act, 2000*. The Board can confirm, reverse or vary a municipal council's or other authority's decision and may impose conditions. The Board may direct the municipal council or the relevant authority to carry out its decision.

The Eastern Newfoundland Regional Appeal Board does not hear St. John's appeals, as the City of St. John's has exercised its right to establish its own local board of appeal.

The Eastern Newfoundland Regional Appeal Board consists of five members, including the chairperson. A quorum consists of a chairperson and two members. Coordination and technical support is provided by Municipal Affairs.

2.0 MANDATE

The mandate of the Eastern Newfoundland Regional Appeal Board is to hear appeals by an aggrieved person or an association of persons relating to an authority's decision to refuse a permit; add conditions to a permit; issue an order; or issue a permit. The Board also hears appeals resulting from an order issued under Section 404 of the *Municipalities Act, 1999*, section 240 of the *City of Mount Pearl Act* or Section 240 of the *City of Corner Brook Act*. Section 42 of the *Urban and Rural Planning Act, 2000* outlines procedures with respect to appeals.

3.0 VALUES

The Board has identified core values and strategic action statements. The core values explain the characteristics of the Board that we want to promote. The strategic action statements ensure our core values are visible by identifying specific actions we want to observe. The Board's commitment to these values will continue for the next three years, as articulated in the Board's 2008-11 Activity Plan.

CORE VALUES

Respect

Recognition

Teamwork

Pursuit of Excellence

STRATEGIC ACTION STATEMENTS

Each individual will be considerate when interacting with others.

Each individual appropriately acknowledges the contribution of others.

Each individual pursues opportunities for working with others to achieve a common goal.

Each individual takes responsibility for optimizing their performance.

4.0 PRIMARY CLIENTS

The Eastern Newfoundland Regional Appeal Board's primary clients are residents of the Eastern Region who feel aggrieved by a council's or another authority's decision as outlined in the Board Overview section above. The Eastern Newfoundland Regional Appeal Board has jurisdiction over 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.

5.0 VISION

The Eastern Newfoundland Regional Appeal Board has adopted the Department of Municipal Affairs' vision of communities with viable, sustainable municipal services led by strong local governments through confirming valid decisions of the authority and adjudicating local governments' decisions when required.

6.0 MISSION

The mission of the Eastern Newfoundland Regional Appeal Board is described in our Mandate and Objective. Details of the Objective are contained in the Activities section below.

7.0 ACTIVITIES

Issue 1: **Appeal Board Hearings**

The Department of Municipal Affairs supports strengthening municipal capacity. The Eastern Newfoundland Regional Appeal Board contributes to this strategic direction through adjudication of appeals and providing timely decisions to persons making the appeal, and municipal councils or other government authorities involved. The Eastern Newfoundland Regional Appeal Board has a single focused mandate. Consequently, the Board has set as their priority focus the timely hearing of appeals from aggrieved persons or an association of persons. The Board has decided not to develop 3-year goals but to develop a single annual objective, with accompanying measures and indicators, which will be reported on in each of the three years of its Activity Plan.

Objective 1: By March 31, 2010, the Eastern Newfoundland Regional Appeal Board will hear appeals from aggrieved persons or an association of persons and have rendered decisions in a timely fashion.

Measure 1: Hearing of Appeals

Indicators	Progress and Accomplishments
Number of appeals heard	53
Number of appeal hearing days	20

Measure 2: Rendering Decisions in a Timely Fashion

Indicators	Progress and Accomplishments
Number of written decisions within 21 days from date of hearing.	53
	All of the Board's decisions were rendered in writing within 21 days of the date of hearing. The Board is pleased to report this perfect record of timeline compliance, achieved despite the fact that the Board heard over twice as many appeals this year as it did in 2008-09.

8.0 OPPORTUNITIES AND CHALLENGES AHEAD

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

The Challenge is to continue to maintain the Board's high standards of rendering decisions in a timely fashion.

9.0 FINANCIAL STATEMENTS

The Eastern Newfoundland Regional Appeal Board is not required to provide audited financial statements. The Board does not manage its own funds or financial statements. Board members are paid an honoraria plus related travel expenses from the budget of the Department of Municipal Affairs. Following is a summary of the Board's expenditures:

Expenditure Item	Expenditure Amount
Honoraria	\$10,920
Travel	\$ 6,000
TOTAL	\$16,920