

A stack of papers is placed on a dark wooden desk. A red curtain is visible in the background, partially covering a window. The papers are slightly out of focus, but some text is visible on the top sheet. A small metal fastener is attached to the left side of the stack.

**Eastern Newfoundland  
Regional Appeal Board  
Annual Report  
2010-11**

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# CHAIRPERSON'S MESSAGE

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In accordance with Government's commitment to accountability, I am pleased to submit the Eastern Newfoundland Regional Appeal Board's annual performance report under the *Transparency and Accountability Act*. The report covers the period from April 1, 2010 – March 31, 2011.

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 land use and development.

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 Victoria Connolly (Chair), Michelle Downey, Mary Thorne-Gosse, Bruce Strong and Harold Porter. A quorum consists of a chairperson and two members.

During the past year, the term of appointment of several previous members expired, including Patrick O'Keefe the former Chair. Members Paul Shallow and Barry Petten also finished their terms of appointment. The Board would like to thank them for their service during the term of their appointment. We are pleased to welcome three new members to the Board: Mary Thorne-Gosse, Bruce Strong and Harold Porter, and trust that they will also make a valuable contribution to fulfilling the Board's mandate.

There are a number of outstanding appeals to be heard. To expedite appeals, the Department of Municipal Affairs has indicated that it will adjust business processes related to its role in providing administrative and technical support to the Board. The Board will address appeals as they are brought forward for hearing.

This report documents the Board's performance in the final year of its 2008-11 Activity Plan. The members of the Eastern Newfoundland Regional Appeal Board are accountable for the results reported. The Board has prepared a new Activity Plan for the period 2011-14. We look forward to carrying out our mandate and Activity Plan in the coming year.

Respectfully submitted,



Victoria Connolly, Chair  
Eastern Newfoundland Regional Appeal Board

# 1.0 BOARD OVERVIEW

Regional Appeal Boards are established under the *Urban and Rural Planning Act, 2000*. They hear appeals related to land use and development, primarily issues arising from decisions of municipalities. Issues which may be appealed to the Eastern Newfoundland Regional Appeal Board include decisions made by a municipal council or a Provincial government authority related to:

- 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 an individual, a business, or an association of persons.

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 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 Eastern Newfoundland Regional Appeal 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, Member   | Goulds                 |
| Mary Thorne-Gosse, Member | Torbay                 |
| Bruce Strong, Member      | Clarenville            |
| Harold Porter, Member     | Conception Bay South   |

The Eastern Newfoundland Regional Appeal Board does not have an office or staff, nor does it manage its own financial statements. Administrative and technical support is provided by the Department of Municipal Affairs. Board members are paid honoraria plus related travel expenses from the budget of the Department of Municipal Affairs.

## 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.

To view the Establishment Order in its entirety, please see Appendix A (*Regional Appeal Boards Establishment Order*).

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 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
- Provincial Government departments.

## 4.0 VISION

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The Eastern Newfoundland Regional Appeal Board adopts 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.

## 5.0 MISSION

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The Board has decided not to develop a separate mission statement, as the mission of the Eastern Newfoundland Regional Appeal Board is described in the Board's mandate.

## 6.0 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 set as their priority focus the timely hearing of appeals from aggrieved persons or an association of persons. The Board decided not to develop 3-year goals but to develop a single annual objective, with accompanying measures and indicators, to be reported on in each of the three years of its Activity Plan.

**Objective:** By March 31, 2011, 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       | 8                            |
| Number of appeal hearing days | 6                            |

**Measure 2: Rendering Decisions in a Timely Fashion**

| Indicators   | Progress and Accomplishments   |
|--|--|
| Number of written decisions within 21 days from date of hearing. | 8  |
|  | All of the Board's decisions were rendered in writing within 21 days of the date of hearing. |

## 7.0 OPPORTUNITIES AND CHALLENGES AHEAD

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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 address the outstanding appeals which accumulated in 2010-11. The Board also intends to continue to maintain the Board's high standards of rendering decisions in a timely fashion.

## 8.0 FINANCIAL STATEMENTS

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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 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        | \$3,875            |
| Travel           | \$2,160            |
| <b>TOTAL</b>     | <b>\$6,035</b>     |



# **APPENDIX A: LEGISLATED MANDATE**

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### **Important Information**

(Includes disclaimer and copyright information and details about the availability of printed and electronic versions of the Statutes.)

## **CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 997/96**

*Regional Appeal Boards Establishment Order*  
under the  
*Urban and Rural Planning Act*  
(O.C. 96-174)

Under the authority of section 7 of the *Urban and Rural Planning Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following Order.

### **ORDER**

#### *Analysis*

#### **Short title**

1. This Order may be cited as the *Regional Appeal Boards Establishment Order*.

921/78 s1

#### **Regional Appeal Boards**

2. The following Regional Appeal Boards are established to hear, decide and issue orders respecting appeals within their respective areas of jurisdiction in all cases where, under the *Urban and Rural Planning Act* or regulations, an appeal board is required to do so:

(a) Eastern Newfoundland Regional Appeal Board, having 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;

(b) Central Newfoundland Regional Appeal Board, having jurisdiction over 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;

(c) West Newfoundland Regional Appeal Board, having jurisdiction over Western Newfoundland and more particularly described as all that area of the Island of Newfoundland situated west of a line drawn from Hampton to Rose Blanche and including both of those communities; and

(d) Labrador Regional Appeal Board having jurisdiction over Labrador.

921/78 s2; 140/79 s1

#### **Repeal**

3. The **Regional Appeal Boards (Establishment) Order, 1973, Newfoundland Regulation 921/78, is repealed.**

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