



**Eastern Newfoundland  
Regional Appeal Board  
Annual Report  
2007-2008**

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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 first annual performance report under the *Transparency and Accountability Act*.

The mandate of the Board is to hear appeals by aggrieved individuals 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.

The Eastern Newfoundland Regional Appeal Board consists of myself, Barry Petten, and Paul Shallow. There are currently two vacancies on this Board. A quorum consists of a chairperson and two members. Coordination and technical support is provided by Municipal Affairs.

I am pleased to report that the Eastern Newfoundland Regional Appeal Board was successful in meeting all of its commitments under the Board's 2007-08 Transitional Plan. In compliance with the *Transparency and Accountability Act*, the Board has prepared a 3-year Activity Plan for 2008-11, and will report on the first year of that Plan in September 2009.

The members of the Eastern Newfoundland Regional Appeal Board are responsible for the results reported in the 2007-08 annual report. The Board looks forward to continuing to fulfill its mandate under the *Urban and Rural Planning Act* in the coming year.

Respectfully submitted,



Patrick O'Keefe, Chair  
Eastern Newfoundland Regional Appeal Board

# 1.0 BOARD OVERVIEW

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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 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 a town's 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 council's decision and may impose conditions. The Board may direct council to carry out its decision.

The Eastern Newfoundland Regional Appeal Board consists of the following: Chairperson, Patrick O'Keefe and members, Barry Petten and Paul Shallow. There are currently two vacancies on this Board. A quorum consists of a chairperson and two members. Coordination and technical support is provided by Municipal Affairs.

## 2.0 MANDATE

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The mandate of the Eastern Newfoundland Regional Appeal Board is to hear appeals by aggrieved individuals 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

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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

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The Eastern Newfoundland Regional Appeal Board's primary clients are residents of the Eastern Region and who feel aggrieved by council'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

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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

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

## 7.0 OUTPUTS

**Issue 1: Appeal Board Hearings**

**Goal 1:** By March 31, 2008, the Eastern Newfoundland Regional Appeal Board will have received, registered, and heard appeals in accordance with legislated authority under Section 42 of the *Urban and Rural Planning Act, 2000*.

**Measure:** Hearing of Appeals

Indicators	Progress and Accomplishments
Number of appeals received	32
Number of appeals registered	32
Number of appeals heard	21
Number of appeals withdrawn	5
Number of appeal hearing days	7

Note: Of the 32 appeals registered in fiscal year 2007-08, some may not be heard until fiscal year 2008-09. Likewise, of the 21 appeals heard in 2007-08, some of these may have been registered in 2006-07.

Five of the appeals received in 2007-08 were determined to be invalid, thus the Board will not be hearing these appeals.

## 8.0 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 rendering decisions in a timely fashion, which the Board will focus on in the coming year, as per the commitment in its 2008-11 Activity Plan.

## 9.0 FINANCIAL STATEMENTS

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The Eastern Newfoundland Regional Appeal Board is not required to provide audited financial statements. The Board does not have its own funds or financial statements. Board members are paid a per diem plus related travel expenses from the budget of the Department of Municipal Affairs.