

Eastern Newfoundland Regional  
Appeal Board

**Activity Plan 2020-23**

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## Chairperson's Message

I am pleased to submit the Eastern Newfoundland Regional Appeal Board's Activity Plan for the period April 1, 2020 to March 31, 2023. This plan was prepared in accordance with the **Transparency and Accountability Act** requirements for category three entities. In developing this plan, the Board has considered the strategic directions of the Provincial Government.

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 over the coming years.

Sincerely,

A handwritten signature in blue ink that reads "Clifford Johnston". The signature is written in a cursive style.

Clifford Johnston, Chair  
Eastern Newfoundland Regional Appeal Board

## Overview

The Eastern Newfoundland Regional Appeal Board (the 'Board') is established pursuant to the **Urban and Rural Planning Act, 2000**. Its board members are appointed through the Independent Appointments Commission (IAC). The Board hears appeals related to land use and development issues that arise from decisions made by municipalities or a provincial government authority. Issues that 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.

A person or an association of persons may make appeals.

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
Clifford Johnston- Chair	St. John's
Carol Ann Smith	Torbay
Paul Boundridge	St. John's
Robert Warren	St. John's
Vacant	

The Board does not have an office or staff. Administrative and technical support is provided by the Department of Environment, Climate Change and Municipalities.

## Mandate

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).

## Budget





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 of Environment, Climate Change and Municipalities budget.

The following is a summary of the Board's 2019-20 expenditures:

Expenditure Item	Expenditure Amount
Honoraria	\$10,880.00
Travel	\$81.72
<b>TOTAL</b>	<b>\$10,961.72</b>

## Lines of Business

A regional appeal board can hear appeals of municipal council decisions regarding:

- An application to undertake a development
- Revocation of an approval or a permit to undertake development
- The issuance of an Order made under:
  - [section 102 of the \*Urban and Rural Planning Act, 2000\*](#); 
  - [section 42 of the \*Occupancy and Maintenance Regulations\*](#); 
  - [section 404 of the \*Municipalities Act, 1999\*](#); 
  - [section 240 of the \*City of Mount Pearl Act\*](#) .

A regional appeal board can also hear appeals of Digital Government and Service Newfoundland and Labrador decisions made under authority of the following regulations:

- [Butterpot-Witless Bay Line Environs Development Control Regulations](#) 
- [Protected Road Zoning Regulations](#) 
- [Highway Sign Regulations](#)

## Primary Clients

The 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.

## Vision

The vision of the Board is:

**The public, municipalities and other authorities have access to an effective process to hear appeals of decisions filed with the board.**

# Strategic Issues

## Strategic Issue 1

### 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.

### Goal

The Board decided not to develop three-year goals in its 2020-23 activity plan. Instead, it developed a single annual objective and associated indicators to be reported on in each of the three years of its activity plan.

### Objective

**By March 31, 2021, 2022, 2023 the Eastern Newfoundland Regional Appeal Board will have heard appeals and have 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.





