On March 12, 2015, the Department of Municipal and Intergovernmental Affairs received your request for access to the following records:

"I am requesting any briefing notes, information notes or letters to municipalities regarding proposed changes to the Urban and Rural Planning Act 2000, directly relating to the regional appeal board changes."

I am pleased to inform you that your request for access has been granted. In accordance with your request for a copy of the letter sent to municipalities, the appropriate copy has been enclosed. Please note that there are no records responsive to your request for briefing or information notes on this issue.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact the ATIPP Coordinator at 729-1953.

Sincerely,

COLLEEN JANES
Deputy Minister for Municipal Affairs
Department of Municipal and Intergovernmental Affairs
February 13, 2015

Dear Sir/Madame:

Re: Amendments to Appeal Provisions in the Urban and Rural Planning Act, 2000

The Department of Municipal and Intergovernmental Affairs is considering changes to the Urban and Rural Planning Act, 2000 and associated regulations to implement a new appeal structure and processes. The objective is to create a more effective and efficient appeal process. The department anticipates that the new process will reduce the backlog and the waiting period to hear appeals. Details regarding these proposed changes are provided below:

(i) Screening
Currently all appeals are registered with the department and proceed to a hearing, unless withdrawn by the appellant. There is no screening process to confirm that the appeals meet the eligibility requirements as prescribed in the Act. Under the new process, the Minister will be authorized to implement a screening process conducted by department officials to eliminate appeals that do not meet the eligibility requirements necessary for consideration. All appeals will be subject to screening. If the applicant disputes this decision, they would have access to the court as per section 46 of the Act. It is anticipated that this will reduce the workload related to any appeals that may lack merit.

(ii) Appointment of Commissioner
The department is proposing that the three Regional Appeal Boards be dissolved and the Minister be authorized to engage a qualified appeal commissioner to undertake the appeal review. The commissioner for each appeal would be selected from an eligibility list compiled by the department through an open request for proposals process. The submission also proposes that there be a number of commissioners eligible to hear appeals in each region, as opposed to the current arrangement of one board per region. This is intended reduce or prevent the backlog experienced under the current appeal process.

(iii) Appeal Payment Process and Fees
As you are aware, currently, municipal councils are required to pay the cost of advertising in a local newspaper when an appeal has been filed. However, the department is proposing that this no longer be a requirement since the department will have an online registry. Councils will still be required to maintain an appeal registry which outlines decisions under appeal in their specific town. Municipalities will also realize savings by not requiring staff or councillors to travel to attend board hearings. The proposed system will require that a commissioner travel, if necessary, to the community where the matter is under appeal.
The department is not recommending a change to the appeal fee of $100 (plus HST). Government will retain the appeal filing fee and register the appeals.

(iv) Stop-Work Orders
Regarding appeals that potentially have financial implications for both private citizens and business owners, section 45(1) of the Act and section 8(1) of the Development Regulations require that, when an appeal is registered, all work related to the appeal must cease. It is proposed that the council or authorized administrator be given the authority to make the determination regarding whether a stop-work order be issued. Guidance will be provided regarding the parameters for these orders. This approach provides the council or authorized administrator the flexibility to issue an order appropriate to the circumstances of the issue under appeal, rather than issuing stop-work orders for every appeal and unnecessarily incurring lost time, work, and money.

(v) Mediation
Currently, there are no dispute resolution mechanisms available by either the councils or the boards. It is recommended that dispute resolution be offered for all appeals as an option as part of the appeals process with the commissioner acting as the mediator. This process would be less costly if the appeal can be resolved by the commissioner through discussions with the parties, without having to proceed to a formal hearing.

Should you have any questions on the amendments, please contact Anna Myers at annamyers@gov.nl.ca or at 729-5302.

Comments should be submitted to the Department of Municipal and Intergovernmental Affairs by March 20, 2015.

Submit written comments to MAInfo@gov.nl.ca or by mail to:

Department of Municipal and Intergovernmental Affairs
P. O. Box 8700
St. John's, NL
A1C 3T3
Attention: Anna Myers, MCIP

Sincerely,

HEATHER TIZZARD
Assistant Deputy Minister
Corporate Services and Policy