July 17, 2015

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: MIGA/28/2015]

On July 7, 2015, the Department of Municipal and Intergovernmental Affairs received your request for access to the following records/information:

"Copies of correspondence sent by the Eastern Regional Appeal Board to the Town of Portugal Cove-St. Philip's, and to the Appellants after the Board's decision on the Appeal of Motion 2015-123 of the Town of PCSP held on June 19, 2015."

I am pleased to provide access to some of the requested information. In particular, access is granted to the following records:

- The Decision of Appeal sent to Dana Metcalfe;
- Correspondence responding to an appellant requesting transcription of hearing; and
- The Decision of Appeal sent to the Church by the Sea Inc, with a CD containing a recording of the hearing.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A
request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL, A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

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 feel free to contact me by telephone at 709-729-5846 or by e-mail at alisakary@gov.nl.ca.

Sincerely,

[Signature]

Ali Askary
Manager / ATIPP Coordinator

Enclosure
Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45(2).
DECISION OF APPEAL BY THE EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

July 2, 2015

BETWEEN:

APPELLANT: Dana Metcalfe

AND:

RESPONDENT: Town of Portugal Cove St. Philip’s

Re: Approval in Principle

Dear Participants:

I have received the Board’s decision for distribution. Please find the attached document concerning the above noted appeal. Any action specified in the order must be taken within the time period prescribed by the Board.

According to section 46 of the Urban and Rural Planning Act, 2000, the decision of the Eastern Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador Trial Division on a question of law or jurisdiction (of the Board). If this action is contemplated, the appeal must be filed no later than ten (10) days of the date of the Board’s decision has been received by the appellant.

Yours truly,

Robert Cotter, Secretary
Central Newfoundland Regional Appeal Board
EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

URBAN AND RURAL PLANNING ACT, 2000

APPEAL

BETWEEN Dana Metcalf Appellant
AND Town of Portugal Cove – St. Philip’s Respondent

RESPECTING Approval in Principle

BOARD MEMBERS Vicki Connolly – Chair
Michelle Downey – Member
Mary Thorne-Gosse – Member

DATE OF HEARING June 19, 2015

IN ATTENDANCE Dana Metcalfe – Appellant
Doreen Squires – Interested Party
Stephen Sharpe – Church by the Sea
Winston Fiander – Church by the Sea
William Fagan – Interested Party
Cyril Morgan – Interested Party
Les Spurrell – Authority
John Taylor-Hood – Solicitor for the Town
Hilary Wicks – Solicitor for the Diocese of Eastern Newfoundland and Labrador
Robert Cotter - Secretary to the Eastern Newfoundland Regional Appeal Board
Lindsay Church - Technical Advisor to the Eastern Newfoundland Regional Appeal Board
DECISION

Facts/Background

This appeal arises from the Town of Portugal Cove – St. Philip’s issuing an Approval in Principle subject to conditions to The Diocesan Synod of Eastern Newfoundland and Labrador On April 17, 2015, Roebothan, McKay, Marshall Lawyers, on behalf of The Diocesan Synod of Eastern Newfoundland and Labrador, applied to the Town of Portugal Cove-St. Philip’s for a permit to demolish the former St. Philip’s Anglican Church. Council approved in principle the application at the Regular Meeting of Council held on April 21, 2015. The Town notified the applicant in a letter dated April 29, 2015.

Dana Metcalfe, an interested third party, filed an appeal on April 23, 2015 with the Eastern Newfoundland Regional Appeal Board against the Town’s issuance of the above noted approval in principle. The appeal was filed within the required timeframe as per section 42(4) of the Urban and Rural Planning Act, 2000 (the “Act”) and included the necessary information as outlined in section 42(5) of the Act.

In accordance with the Urban and Rural Planning Act, 2000 a public notice of the appeal was published in The Telegram on April 29, 2015 and a notice of the time, date, and place of the Hearing was provided to the appellant and authority by registered mail sent on May 12, 2015.

Legislation, Municipal Plans and Regulations considered by the Board

Town of Portugal Cove-St. Philip’s Municipal Plan and Development Regulations, 2014
Urban and Rural Planning Act, 2000
Municipalities Act, 1999

Matters presented to and considered by the Board

Does the Town have the authority to issue a demolition permit for a heritage structure?

Yes. The Board found that the Town derives its authority to issue a demolition permit for a structure with heritage designation from section 200(1), Heritage Areas, of the Municipalities Act, 1999, which states:

A building, structure or land designated by a council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure
altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

The Board acknowledges that the Town’s Municipal Plan has policies pertaining to heritage buildings. The fact that the Municipalities Act, 1999 provides the Town with the authority to issue a demolition permit, does not negate the Town’s responsibility to comply with its Municipal Plan and Development Regulations. As the Town’s Municipal Plan does not outline when it is appropriate to issue a demolition permit, the Board must determine whether the Town satisfied the requirements of its Municipal Plan to encourage the preservation of its historic structures.

The Board considered the length of time Council used to review the subject application and the various alternatives explored by the Town. This demonstrated to the Board that the Town of Portugal Cove-St. Philip’s encouraged the preservation of the structure and therefore, satisfied the Traditional Community policies in the Town’s Municipal Plan.

Does the Town have the authority to issue an approval in principle?
Yes. The Board confirmed that section 20(1) of the Town’s Development Regulations provides the Town with the authority to issue an approval in principle for the alteration of building.

Section 20(1) states:

Council may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.

Does the Town have the authority to attach conditions to an approval in principle?
Yes. The Board found that section 21(2) of the Town’s Development Regulations allows the Town to attach conditions to an approval in principle. Section 21(2) states:

(2) Council may attach to a permit or to approval in principle such terms, conditions and requirements as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
Were the conditions attached to the Approval in Principle in accordance with the Town’s Municipal Plan and Development Regulations?

The Board reviewed the conditions attached to the Approval in Principle. Those conditions, as stated in the April 29, 2015 letter to the applicant, are as follows:

- Submission of written acknowledgement of the proposed demolition from the Provincial Archaeology Office in accordance with Municipal Plan Policy 3.3.2 (Archaeological Sites);
- Submission and approval by the Town of a demolition plan for the site; and
- Submission and approval by the Town of a site development plan for the site once the demolition work has been completed.

The Board reviewed section 3.3.2, Archaeological Sites, of the Town’s Municipal Plan. Policy GE-14 under section 3.3.2 requires Council to advise the Department of Archaeology of any major land development that involves ground disturbance. Policy GE-14 states:

*Policy GE-14 Council shall advise the Provincial Archaeology Office, where feasible, of any proposed significant land development projects that involve major land use or ground disturbance.*

The Board determined that the demolition of a building would involve ground disturbance and therefore found that the Town acted in accordance with Policy GE-14 when it required The Diocesan Synod of Eastern Newfoundland and Labrador obtain written acknowledgement from the Provincial Archaeology Office.

The Board also reviewed section 17, Form of Application, of the Town’s Development Regulations, which outlines what Council may require from an applicant. Section 17(1) states:

*(1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.*

The Town required that the Applicant submit a demolition plan for the site as well a site development plan prior to issuing a development permit. The Board found that “Council may
require plans, specifications and drawings as Council may require” as expressed in section 17(1).

The Board determined that the conditions attached to the Approval in Principle are in accordance with section 17(1) of the Town’s Development Regulations.

The Board heard arguments at the hearing regarding who is responsible for fulfilling the conditions attached to the Approval in Principle. The Diocesan Synod confirmed at the hearing that it is aware of these conditions. Additionally, it is the understanding of The Diocesan Synod that it is responsible for obtaining written acknowledgment from the Provincial Archaeology Department, submitting a demolition plan and a site development plan.

Are Moses Tucker and David Bartlett officers or agents of the Church?

The appellant argued that Moses Tucker and David Bartlett were in a conflict of interest when they voted on The Diocesan Synod’s demolition application at the April 21, 2015 Regular Meeting of Council because they are officers or agents of the Anglican Church. The appellant argued that this is contrary to section 207(1)(d) of the Municipalities Act, 1999.

The Board reviewed section 207 of the Municipalities Act, 1999 which is the guiding legislation for Councils pertaining to conflict of interest. Section 207(1), Conflict of Interest, states:

A councillor shall not vote on or speak to a matter before the council or a committee of the council where

(a) the councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a councillor;

(b) the councillor has a monetary interest directly or indirectly in the matter;

(c) a relative of the councillor has a monetary interest in the matter; or

(d) the councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in the matter.

The appellant stated that both Mr. Tucker and Mr. Bartlett have held positions within the Anglican Church. Multiple definitions of agent and officer were presented to the Board. Parties arguing for the appellant referred to the Merriam Dictionary for a definition, while the authority referenced the Dictionary of Canadian Law.
The Board found the explanation provided by the Lawyer for The Diocesan Synod of Eastern Newfoundland and Labrador, Ms. Hilary Wicks, regarding the organization of the Anglican Church as well as ownership of the former St. Philip’s Anglican Church to be paramount. Ms. Wicks clarified for the Board that the Anglican Diocese of Eastern Newfoundland and Labrador is governed by the Diocesan Synod of Eastern Newfoundland and Labrador. The former St. Philip’s Anglican Church is owned by the Diocesan Synod of Eastern Newfoundland and Labrador, not the Parish of St. Philip’s Church (the “Parish”). The Board also referred to paragraph 4 of the Authority’s June 17, 2015 Brief for further clarification on the roles within the Anglican Church and the Parish.

The Board found that while Mr. Tucker and Mr. Bartlett are members of the Parish of St. Philip’s and have been appointed positions within the Vestry, they cannot have a monetary interest in the former St. Philip’s Anglican Church due to the organizational structure of the Anglican Church. Therefore, the Board determined that there was no apparent conflict of interest at the April 21, 2015 Regular Meeting of Council.

**Conclusion**

In arriving at its decision, the Board reviewed the submissions and comments given by all parties present along with the technical information and planning advice.

The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must make a decision that complies with the applicable legislation, policy and regulations.

Based on its findings, the Board determined that the Town of Portugal Cove-St. Philip’s had the authority to issue an Approval in Principle to demolish the former St. Philip’s Anglican Church and did so in accordance with the *Municipalities Act, 1999* and the Town’s Municipal Plan and Development Regulations.
Order

Based on the information presented, the Board orders that the decision made by the Town of Portugal Cove – St. Philip's on April 21, 2015 to Approve in Principle, subject to conditions, the demolition of the former St. Philip's Anglican Church located at 20-30 Coadys Road, be confirmed.

The Town of Portugal Cove – St. Philip's and the appellant are bound by this decision of the Eastern Newfoundland Regional Appeal Board.

DATED at St. John's, Newfoundland and Labrador, this 30th day of June, 2015.

Vicki Connolly, Chair
Eastern Newfoundland Regional Appeal Board

Michelle Downey, Member
Eastern Newfoundland Regional Appeal Board

Mary Thorne-Gosse, Member
Eastern Newfoundland Regional Appeal Board
From: The Church By The Sea Inc <thechurchbythesea@nl.rogers.com>
Sent: Thursday, June 25, 2015 1:18 PM
Subject: RE: June 19th appeals

Hi, decisions are mailed only. I will make a copy of the hearing on CD and will mail it out in due course.

Robert Cotter
Secretary
NL Appeal Boards
729 3088

From: The Church By The Sea Inc [mailto:thechurchbythesea@nl.rogers.com]
Sent: Wednesday, June 24, 2015 9:53 AM
To: Cotter, Robert
Subject: June 19th appeals

Good morning Mr. Cotter,

It was an interesting session at the appeal hearings on Friday. We have a couple of requests please.

Could you provide an audio recording of the appeals that were heard on June 19, concerning the Town of PCSP, and the motion concerning the St. Philip's Heritage Church? I presume that the appeals would not be transcribed, but if they are (or parts of the appeals) could we receive that as well please?

When the appeals' results are mailed, is it possible to receive that information by email as well? We are anxious to know the results of course, and usually our mailbox is not checked every day.

Maybe a copy also can be forwarded to our "street" address as well, which is:

c/o Stephen Sharpe

We look forward to knowing when the results are completed. Please advise asap. Thank you.

Kind regards,
Steve
726-1894
information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”

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DECISION OF APPEAL BY THE EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

BETWEEN:

APPELLANT: Church by the Sea Inc.

AND:

RESPONDENT: Town of Portugal Cove St. Philip’s

Re: Approval in Principle

Dear Participants:

I have received the Board’s decision for distribution. Please find the attached document concerning the above noted appeal. Any action specified in the order must be taken within the time period prescribed by the Board.

According to section 46 of the Urban and Rural Planning Act, 2000, the decision of the Eastern Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador Trial Division on a question of law or jurisdiction (of the Board). If this action is contemplated, the appeal must be filed no later than ten (10) days of the date of the Board’s decision has been received by the appellant.

Yours truly,

Robert Cotter, Secretary
Central Newfoundland Regional Appeal Board
EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

URBAN AND RURAL PLANNING ACT, 2000

APPEAL

BETWEEN

Church by the Sea Inc. Appellant

AND

Town of Portugal Cove – St. Philip’s Respondent

RESPECTING

Approval in Principle

BOARD MEMBERS

Vicki Connolly – Chair
Michelle Downey – Member
Mary Thorne-Gosse – Member

DATE OF HEARING

June 19, 2015

IN ATTENDANCE

Stephen Sharpe - Appellant
Winston Fiander – Appellant
William Fagan – Appellant
Cyril Morgan – Interested Party
Les Spurrell – Authority
John Taylor-Hood – Solicitor for the Town
Chris Milley – Authority
Hilary Wicks – Solicitor for the Diocese of Eastern Newfoundland and Labrador
Gavin Will – Deputy Mayor of the Town of Portugal Cove – St. Philip’s
Robert Cotter - Secretary to the Eastern Newfoundland Regional Appeal Board
Lindsay Church - Technical Advisor to the Eastern Newfoundland Regional Appeal Board
DECISION

Facts/Background
This appeal arises from the Town of Portugal Cove – St. Philip’s issuing an Approval in Principle subject to conditions to The Diocesan Synod of Eastern Newfoundland and Labrador. On April 17, 2015, Roebothan, McKay, Marshall Lawyers, on behalf of The Diocesan Synod of Eastern Newfoundland and Labrador, applied to the Town of Portugal Cove-St. Philip’s for a permit to demolish the former St. Philip’s Parish Church. Council approved in principle the application at the Regular Meeting of Council held on April 21, 2015. The Town notified the applicant in a letter dated April 29, 2015.

The Church by the Sea Inc., an interested third party, filed an appeal on April 28, 2015 with the Eastern Newfoundland Regional Appeal Board against the Town’s issuance of the above noted approval in principle. The appeal was filed within the required timeframe as per section 42(4) of the Urban and Rural Planning Act, 2000 and included the necessary information as outlined in section 42(5) of the Urban and Rural Planning Act, 2000.

In accordance with the Urban and Rural Planning Act, 2000 a public notice of the appeal was published in The Telegram on April 29, 2015 and a notice of the time, date, and place of the Hearing was provided to the appellant and authority by registered mail sent on May 12, 2015.

Legislation, Municipal Plans and Regulations considered by the Board
Town of Portugal Cove-St. Philip’s Municipal Plan and Development Regulations, 2014
Urban and Rural Planning Act, 2000
Municipalities Act, 1999

Matters presented to and considered by the Board
Does the Town have the authority to issue a demolition permit for a heritage structure?
Yes. The Board found that the Town derives its authority to issue a demolition permit for a structure with heritage designation from section 200(1), Heritage Areas, of the Municipalities Act, 1999, which states:

A building, structure or land designated by a council as a heritage building, structure or
land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

The appellants conceded at the hearing that the Town has a right to issue a demolition permit for a heritage structure. The Church by the Sea argued that by issuing the Approval in Principle, Council violated the Town’s Municipal Plan policies. The appellants noted a number of Traditional Community policies that encourage the preservation of heritage sites and buildings within the Traditional Community designation and zone. The Board acknowledges that the Town’s Municipal Plan has policies pertaining to heritage buildings. The fact that the Municipalities Act, 1999 provides the Town with the authority to issue a demolition permit, does not negate the Town’s responsibility to comply with its Municipal Plan and Development Regulations. As the Town’s Municipal Plan does not outline when it is appropriate to issue a demolition permit, the Board must determine whether the Town satisfied the requirements of its Municipal Plan to encourage the preservation of historic structures.

The Board considered the length of time Council used to review the subject application and the various alternatives explored by the Town. This demonstrated to the Board that the Town of Portugal Cove-St. Philip’s encouraged the preservation of the structure and therefore, satisfied the Traditional Community policies in the Town’s Municipal Plan.

**Does the Town have the authority to issue an approval in principle?**

Yes. The Board confirmed that section 20(1) of the Town’s Development Regulations provides the Town with the authority to issue an approval in principle for the alteration of building. Section 20(1) states:

*Council may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.*

**Does the Town have the authority to attach conditions to an approval in principle?**

Yes. The Board found that section 21(2) of the Town’s Development Regulations allows the Town to attach conditions to an approval in principle. Section 21(2) states:
(2) Council may attach to a permit or to approval in principle such terms, conditions and requirements as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.

Were the conditions attached to the Approval in Principle in accordance with the Town's Municipal Plan and Development Regulations?

The Board reviewed the conditions attached to the Approval in Principle. Those conditions, as stated in the April 29, 2015 letter to the Diocese, are:

- Submission of written acknowledgement of the proposed demolition from the Provincial Archaeology Office in accordance with Municipal Plan Policy 3.3.2 (Archaeological Sites);
- Submission and approval by the Town of a demolition plan for the site; and
- Submission and approval by the Town of a site development plan for the site once the demolition work has been completed.

The Board reviewed section 3.3.2, Archaeological Sites, of the Town's Municipal Plan. Policy GE-14 under section 3.3.2 requires Council to advise the Department of Archaeology of any major land development that involves ground disturbance. Policy GE-14 states:

Policy GE-14 Council shall advise the Provincial Archaeology Office, where feasible, of any proposed significant land development projects that involve major land use or ground disturbance.

The Board determined that the demolition of a building would involve ground disturbance and therefore found that the Town acted in accordance with Policy GE-14 when it required The Diocesan Synod of Eastern Newfoundland and Labrador obtain written acknowledgement from the Provincial Archaeology Office.

The Board also reviewed section 17, Form of Application, of the Town's Development Regulations, which outlines what Council may require from an applicant. Section 17(1) states:

(1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.
The Town required that the Applicant submit a demolition plan for the site as well a site
development plan prior to issuing a development permit. The Board found that “Council may
require plans, specifications and drawings as Council may require” as expressed in section 17(1).
The Board determined that the conditions attached to the Approval in Principle are in accordance
with section 17(1) of the Town’s Development Regulations.

The Board heard arguments at the hearing regarding who is responsible for fulfilling the
conditions attached to the Approval in Principle. The Diocesan Synod confirmed at the hearing
that it is aware of these conditions. Additionally, it is the understanding of The Diocesan Synod
that it is responsible for obtaining written acknowledgment from the Provincial Archaeology
Department, submitting a demolition plan and site development plan.

**Conclusion**

In arriving at its decision, the Board reviewed the submissions and comments given by all parties
present along with the technical information and planning advice.

The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must
make a decision that complies with the applicable legislation, policy and regulations.

Based on its findings, the Board determined that the Town of Portugal Cove-St. Philip’s had the
authority to issue an Approval in Principle subject to conditions to demolish the former St.
Philip’s Anglican Church and did so in accordance with the *Municipalities Act, 1999* and the
Town’s Municipal Plan and Development Regulations.
Order

Based on the information presented, the Board orders that the decision made by the Town of Portugal Cove – St. Philip’s on April 21, 2015 to Approve in Principle, subject to conditions, the demolition of the former St. Philip’s Anglican Church located at 20-30 Coadys Road, be confirmed.

The Town of Portugal Cove – St. Philip’s and the appellants are bound by this decision of the Eastern Newfoundland Regional Appeal Board.

DATED at St. John’s, Newfoundland and Labrador, this 30th day of June, 2015.

Vicki Connolly, Chair
Eastern Newfoundland Regional Appeal Board

Michelle Downey, Member
Eastern Newfoundland Regional Appeal Board

Mary Thorne-Gosse, Member
Eastern Newfoundland Regional Appeal Board
Audio files not published

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.