

**From:** [Carl Slaney](#)  
**To:** [Info\\_RSO](#)  
**Subject:** Re: Review of Statutory Offices of the House of Assembly  
**Date:** Friday, April 21, 2023 12:31:02 PM  
**Attachments:** [Judicial Review of Statutory Offices.pdf](#)  
[LGLUP-Appeals-2021-05-14-T-R-Excavating-vs-St-Lawrence.pdf](#)  
[Copy of Town Order March 6, 2020.pdf](#)

Please find attached my PDF Submission. I trust it meets your requirements. I can adjust if required.

My dealings with the Office of the Citizen's Representative were very positive. The Investigator was always professional and well prepared. The Citizens Representative Report 385CF20 reflects the situation well. Unfortunately the Terms of Reference for the report limited the findings.

The facts of my case were well documented in the report by the Eastern Regional Appeals Board. The evidence given under Oath accurately reflects the circumstances. The Municipality has not enforced the Stop Work Order that they generated March 6, 2020. The Municipality appears to be prejudicial towards my Compliant Land Use and biased towards the company named on the Stop Work Order. I brought this complaint to the Department of Municipal and Provincial Affairs with poor results. I continue to complain to that department because the Stop Work Order is not enforced by the Municipality nor complied with by the Industrial Contractor named on the Order. Communications and meetings with the Town Council have been futile. The Non Compliant land Use continues 5 years after my formal complaint to the Municipality in August 2018. A typical picture of the Residential Lots under discussion is attached FYI.

Personally, my family has been irreparably harmed. Our retirement plans are ruined, investments devalued and my Legal Licenced Tourism Business has been forced to permanently close. The Municipal Council has been emboldened by the "hands off" approach taken by Municipal and Provincial Affairs. "Absolute Power, Corrupts Absolutely". I would hope that future changes could improve the quality of life for the remaining residents under this Municipality and all other towns.

If you need further info or clarifications feel free to reach out to me for immediate response. Godspeed in your review.

P. S. I attached the cover of the Citizens Representative Report only due to file size.

# Review of Statutory Offices

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I have some lived experience that may help you see the role of the Office of the Citizen's Representative, OCR, as an essential service to citizens who are struggling with bureaucracy, specifically at the Department of Municipal and Provincial Affairs, MPA. My complaint to the OCR was due to the lack of a complaint process at MPA when I made a complaint against my Municipality. Their Municipal Plan was not being followed. An Industrial Contractor was operating a business in a Residential Zoned subdivision. The activity is "Not Allowed" in the Municipal Plan, a Non Conforming Land Use. The Municipality refused to take action so I wanted my complaint elevated to the Land Use Professionals at MPA.

Without drifting into the nuances of the complaint against the Town in 2018, I presumed that the Provincial Government would have an role when citizens are treated unfairly. Maybe even intervene on behalf of a citizen when the issue is blatantly obvious.

From this citizen's perspective the issue is so simple and uncomplicated. Industrial Land use in a Residential zone is "Not Allowed". In more simple terms; 6:00 AM is when Construction Workers and their Dump Trucks go to work. It's also when retired, old folks sleep in residences. Civilized societies have Municipal Plans to separate the inherent conflicting land use in the interest of the "Public Good".. If common sense and no bias were in play I would propose that most people would agree to this simple concept of civilization and agree the situation is "Not Allowed" as written in the Municipal Plan.

The earliest conversations on the situation garnered this comment from frontline MPA, Planner III, Land Use Planner, in an email (obtained by ATIPP request) to the Town in December 20, 2018:

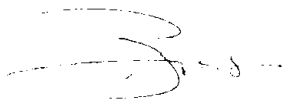
**"What a mess! This is a perfect example of what could happen when Municipal Plans are ignored."**

If any Land Use Professional looked at this site today, 5 years later, the same conclusion would be the result.

The Report from the OCR did a fantastic job, within its "Terms of Reference", getting to the facts of the complaint and the disarray at MPA. Responses from the MPA senior management demonstrate a lack of grasp of the facts of this case and/or a biased interpretation of the Municipal Plan and Development Regulations. As an observation, no one expressed the opinion that is "Allowed". "Not Allowed" has a singular meaning in this context.

The OCR report closes with this paragraph of "Hope" that MPA will work with the complainant:

Our Office understands Mr. [REDACTED] frustration throughout this process, which has been ongoing since 2018. As there are no other avenues for complaint handling, we hope that the Department will work with M [REDACTED] if the municipality continues to not enforce the Stop Work Order, particularly after the Eastern Newfoundland Regional Appeal Board upheld the Stop Work Order. We also hope that the Department will consider the above suggestions to ensure people in similar circumstances to M [REDACTED] will not experience the same confusion while navigating this process.

  
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**Bradley Moss**  
Citizens' Representative

16 June 21  
DATE

## **OUTCOMES**

Sad to report that all "Hope" is lost. The MPA has not worked with the complainant as hoped. The recommendations of OCR report have not been adopted by MPA. The "Not Allowed" Non Conforming Industrial Land Use continues to deprive citizens of quiet enjoyment of their residential property contrary to the "Public Good." Maybe worse still, the same TRAP awaits the next citizen if a Municipal Council allows another Industrial Construction company into a Residential Neighborhood despite it being "Not Allowed". A dangerous precedent is set.

This complaint was not "Managed" by MPA. It simply meandered through Municipal and Provincial Affairs department from desk to desk, email recipient to email recipient because there is no procedure to follow. A \$100 problem ballooned into this expensive 5 year saga when the frontline Land Use Planning professionals should have nipped it in the bud and begin to work towards a Compliant Land Use Solution for all.

From Justice and Public Safety Press Release dated December 5, 2022:

*"Justice Fowler will review the structure, reporting and accountability of the statutory offices of the House of Assembly and prepare a report that includes recommendations."*

I hope and pray that the OCR Report mentioned and your eventual report into the Statutory Offices get some action and do not end up on a shelf collecting dust or as reference material for future reviews into government operations. The Office of the Citizen's Representative's Report details a structure with uncertain requirements and no accountability. The need for the Office of the Citizen's Representative is greater today than ever before. In this case MPA managers have lost sight of serving in the "Public Good" and "Value for Money". Neither concept is written in the Policies and Procedures but is Common Sense. Consider both "Universal Truths" to live by.

The Terms of Reference for the Office of the Citizen's Representative should be expanded to include "Good Management." The actions of the Staff at Municipal and Provincial Affairs met the bare minimum required BUT the outcome was meagre measured against the "Public Good" and "Value for Money." The problem was not fixed. The Thousands of Dollars solution to a Hundred Dollar Problem needs to be reviewed. A Learning Opportunity would be a great outcome.

Godspeed with the Review!