

Assessment and Planning Appeal Board

Annual Report 2022-2023

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Message from the Chair

Dear members and stakeholders,

It is my pleasure to present to you our Annual Report for the fiscal year 2022-23.

The Assessment and Planning Appeal Board is established by virtue of the *Assessment and Planning Appeal Board Act* and is mandated to administer and adjudicate matters under the *Assessment Act*, the *Community Planning Act*, and the *Heritage Conservation Act*.

The total number of matters filed with the Board during this fiscal year was 249, significantly up from the previous year. Many of these matters were resolved with the assistance of the administrative staff, with Board oversight. Those that were not so resolved were scheduled for determination by the Board, resulting in 43 days of hearings.

During the year, the Board disposed of a total of 219 matters. There were 111 written decisions released by the Board.

The Board in all cases seeks to ensure that the use of its pre-hearing resolution and case management processes are maximized, hearing days are kept to a minimum, hearings are conducted in a balanced and efficient manner, and decisions are issued in a timely fashion.

In closing, I want to take this opportunity to express my continuing appreciation to all members of the Board, as well as our administrative and professional staff, for their dedication and service.

Micheline T. Doiron

Chair

Mandate

The Assessment and Planning Appeal Board is an independent decision-making body established under the *Assessment and Planning Appeal Board Act*. It is responsible for hearing appeals and making decisions under the *Assessment Act*, *Community Planning Act*, and *Heritage Conservation Act*. The Assessment and Planning Appeal Board functions independently from the Department of Environment and Local Government, but for administration purposes, such as staffing and budget allocation, is aligned with the Department.

The Board is responsible for hearing appeals and rendering decisions on the following:

- Property assessment appeals under the *Assessment Act*;
- Appeals of land use and planning decisions under the *Community Planning Act*; and,
- Appeals of local heritage review board decisions under the *Heritage Conservation Act*.

The Board conducts hearings through five regional panels, which are convened when and where required throughout the province. Appeals may be heard by a panel consisting of the Chair and one or two members appointed from the region in which the appeal originates or, with the consent of the parties, by the Chair alone. The Chair may designate a Vice-Chair to Act as Chair. Likewise, an alternate member or a

member from another region may be designated to act in place of a member from the same region for appeal hearings if the Chair considers it necessary.

Composition of the Assessment and Planning Appeal Board

Chair

Micheline T. Doiron

Vice-Chairs

Terrence Lenihan (Bathurst)

Brigitte Ouellette (Grand Falls)

Andrew Costin (Saint John)

Members from the various regions

Yanik Hachey (Campbellton)

Monica Plourde (Edmundston)

Clément Tremblay (Dalhousie)

Mel Parker (Campbellton)

Micheline Hachey (Bathurst)

Robert Trevors (Miramichi)

Gerard Robichaud (Néguac)

Robert Arsénault (Dieppe)

Angela Breau Caissie (Cocagne)

Christine Couturier (Moncton)

Stephen Purdy (Dorchester)

Ralph Forte (Rothesay)

Steven Frits (Sussex)

Bill Campbell (St. George)

L. Graeme MacKinnon (Hampton)

Yvon Albert (St. Stephen)

Giselle Price (Fredericton)

Michael Blanchard (Beechwood)

David Hildebrand (Fredericton)

Gary Mersereau (Fredericton)

Legislation

- *Assessment and Planning Appeal Board Act*, RSNB 2011, c 114 [2011, C.114.pdf \(gnb.ca\)](#)
- *Assessment Act*, RSNB 1973, c A-14 [A-14.pdf \(gnb.ca\)](#)
- *Community Planning Act*, SNB 2017, c 19 [2017, C.19.pdf \(gnb.ca\)](#)
- *Heritage Conservation Act*, SNB 2009, c H-4.05 [H-4.05.pdf \(gnb.ca\)](#)

Activities

- There were 200 appeals filed under the *Assessment Act*. Of these, 126 were matters pertaining to residential properties and 74 were commercial properties.
- In total, 184 assessment appeals were disposed of either through a hearing or withdrawal by the appellant prior to the hearing. 119 residential property assessment appeals and 65 commercial property assessment appeals were dealt with by the Board.
- At the end of the fiscal year, 66 residential property assessment appeals and 15 commercial property assessment appeals were outstanding and carried forward.
- In total, 49 land use and planning appeals were filed and 35 were disposed of under the *Community Planning Act*. 25 were carried forward.
- No appeal was filed and carried forward under the *Heritage Conservation Act*.

Financial information

**ASSESSMENT PLANNING AND APPEAL BOARD BUDGET AND EXPENDITURES
APRIL 1, 2022 TO MARCH 31, 2023**

Category	Budget	Actual
Salary and Benefits	\$306,675	\$281,763
Travel and Accommodations	\$7,560	\$14,286
Supplies	\$3,950	\$10,902
Legal and Other Special Services	\$4,240	\$19,874
TOTAL	\$322,425	\$326,825

Notes:

- Salaries include permanent and contract staff members, as well as payments for individuals attending hearings. Benefits include employment insurance, health and dental, and membership dues.
- Travel and accommodations include expenses related to staff travel, conferences, chair car allowance, and designated parking for staff.
- Supplies include office supplies, equipment, and materials needed for program delivery.
- Legal and other special services include expenses for professional legal services for assessment appeal hearings, and room rental charges to hold the hearings.

Overall, the Board was slightly over budget for the reporting year. The salary and benefits category was underbudget due to vacancies experienced during the year; however, was offset by additional expenses incurred in all other categories.

Staffing

Micheline Doiron, Chair: The Chair of the Assessment and Planning Appeal Board must be a barrister and solicitor who has been a member in good standing of the Law Society of New Brunswick for at least five years.

Board Administrator (vacant): The Board administrator is the point of contact with the public with respect to assessment appeals, planning appeals and heritage conservation appeals.

Kathy Malcolm, Administrative Assistant: The Administrative Assistant is responsible for providing administrative support to the Board, including, but not limited to, answering public inquiries, processing appeals, correspondence, organizing Board hearings, assembling support documentation, and records management.