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**IN THE MATTER OF**  
An order of the Logy Bay-Middle Cove-Outer Cove  
Town Council

Concerning a business at **37-39 WAVERLEY PLACE**

Peter Mathioudakis  
41 Waverley Place  
Middle Cove, NL  
A1K 2B1

**May 8, 2024**  
**DATE**

## **“STOP WORK ORDER”**

This order is pursuant to section 404 of the Municipalities Act, 1999 and section 102 of the Urban and Rural Planning Act, 2000 for contravention of those Acts and regulations issued thereunder the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021.

**Attention: Peter Mathioudakis, person(s) occupying, and person(s) performing automobile repair work and the operation of a taxi service at 37-39 Waverley Place.**

**TAKE NOTICE** that a business permit was not obtained from the Town of Logy Bay-Middle Cove-Outer Cove for the ongoing business activity at 37-39 Waverley Place. A business permit is required pursuant to section 3.2 of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 which states:

“No person shall carry out any Development within the Planning Area except where otherwise provided in these Regulations unless a permit for Development has been issued by Council.”

All business must stop until such a time that a business permit is applied for and approval of an application is granted, subject to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021. Workers, other than residents, at 37-39 Waverley Place must vacate the premises by **4:00PM TODAY, MAY 8, 2024**.

**AND TAKE NOTICE** that it has been determined that the residential property located at civic address 37 Waverley Place is being partially used for commercial purposes related to a mechanical repair business for automobiles and taxi stand, for which no municipal approval or permit was granted for the commercial use and occupancy of the property.

**AND TAKE NOTICE** that the ongoing commercial use and occupancy of the property at 37-39 Waverley Place is in contravention of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 and the Urban and Rural Planning Act, 2000.

**AND TAKE NOTICE** that the Town issued a notice dated February 19, 2024 to the owner of 37-39 Waverley Place advising the owner that a Business Approval and Permit is required to operate any business within the Town of Logy Bay-Middle Cove-Outer Cove, and that operating a business without approval and a permit from the Town of Logy Bay-Middle Cove-Outer Cove is contrary to the Municipalities Act, 1999, the Urban and Rural Planning Act, 2000 and the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021. The Town of Logy Bay - Middle Cove – Outer Cove directed the owner to take the following action with no response:

1. Apply for a business permit as per the Town of Logy Bay-Middle Cove-Outer Cove's Municipal Plan and Development Regulations 2021, and Tax Fee Schedule 2024 on or before February 29, 2024.

**AND TAKE NOTICE** that Section 102(1) of the Urban and Rural Planning Act, 2000 states that:

“Where, contrary to a plan or development regulations, a person has undertaken or commenced a building or other development, the council, regional authority or authorized administrator responsible for that plan or those regulations or the minister where the minister considers it necessary, may order that the person pull down, remove, stop construction fill in or destroy that building or development and may order that the person restore the site or area to its original state.”

**AND TAKE NOTICE** that Regulation 3.28 of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 states that:

“Where a person begins or continues a Development contrary, or apparently contrary, to the Municipal Plan and these Regulations, Council may order that person to stop the Development, and any work connected with it, pending the submission and approval of an application or a final decision in a prosecution arising out of the Development.”

**AND TAKE FURTHER NOTICE** that the Council of the Town of Logy Bay-Middle Cove-Outer Cove **NOW ORDERS** in accordance with Section 102(1) of the Urban and Rural Planning Act, 2000 and the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021, that the commercial use and occupancy of the property situated at 37-39 Waverley Place cease and desist by **4:00PM TODAY, MAY 8, 2024** and until such time as a business permit is applied for and approval of an application is granted, subject to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021.





**AND TAKE NOTICE** that you are currently deemed by Council to be in violation of one or more provisions of the Municipalities Act, 1999 and/or the Urban and Rural Planning Act, 2000 and/or regulations made thereunder.

**AND TAKE NOTICE** all commercial operations must stop until such a time that a business permit is issued. Workers, other than residents, at 37-39 Waverley Place must vacate the premises by **4:00PM TODAY, MAY 8, 2024.**

**AND TAKE NOTICE** where a person to whom an order under Section 102(1) of the Urban and Rural Planning Act, 2000 is directed does not comply with the order or a part thereof the Council may pursue charges for offenses in accordance with section 106(1) of the Urban and Rural Planning Act, 2000 and the person is liable on summary conviction for the first offence, to a fine of not less than \$500 and not more than \$1,000 and in default of payment to imprisonment for a period not exceeding 3 months or to both the fine and imprisonment, and/or Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by the council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to the council.

**AND TAKE FURTHER NOTICE** that an order made under Section 102(1) of the Urban and Rural Planning Act, 2000 continues in force until revoked by the Council which made that order.

**You have the right to appeal this Order.**

The appeal and a fee of \$200 plus HST (\$230.00 total) must be submitted to the Secretary of the Appeal Board at the Department of Municipal Affairs and Environment (4<sup>th</sup> floor, Confederation Building - West Block, P.O. Box 8700, St. John's, NL A1C 4J6) **within 14 days** of the day that you receive this order. If the appeal and fee is not submitted within this time limit, your right to appeal is considered to be forfeited.

Dated at Logy Bay-Middle Cove-Outer Cove, Newfoundland, on this 8<sup>th</sup> day of MAY, 2024 A.D.

**Susan Arns, Town Manager/Clerk  
Town of Logy Bay-Middle Cove-Outer Cove**