



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

Concerning a fence at **369 MARINE DRIVE**

Gerald Biddiscombe

369 Marine Drive

Logy Bay, NL

A1K 3E3

June 6, 2024

DATE

“REPAIR 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: Gerald Biddiscombe, person(s) occupying, and person(s) building a fence at 369 Marine Drive.

TAKE NOTICE that a business permit was obtained from the Town of Logy Bay-Middle Cove-Outer Cove for the fence at **369 Marine Drive**, however, the Fence Regulations have not been adhered to. As per Section 16.b. of the Town of Logy Bay-Middle Cove-Outer Cove Fence Regulations:

- (b) Wooden material shall be used for the construction of a Fence only if it is property cut and trimmed. Horizontal and vertical support posts shall be inside of the Fence area or otherwise hidden from both the neighbour's and general public's view. Fences with a shadowbox design shall be considered to hide support posts.

All fence construction must stop until such a time that the existing fence hardware is corrected and placed on the inside of the fence. This repair must take place on or before **Sunday, July 7, 2024 (30 days)**.

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 fence situated at 369 Marine Drive be repaired on or before **Sunday July 7, 2024 (30 days)**.

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.

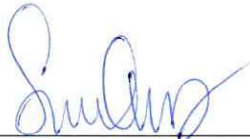
AND TAKE NOTICE where a person to whom an Order under Section 102(1) of the Urban and Rural Planning Act, 2000 is directed does not comply with the Order or a part thereof the Council may pursue charges for offenses in accordance with Section 106(1) of the Urban and Rural Planning Act, 2000 and the person 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 (4th 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 6th day of June,
2024 A.D.



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