

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

Concerning a business at **369 MARINE DRIVE**

Gerald Biddiscombe  
369 Marine Drive  
Logy Bay, NL  
A1K 3E3

**June 6, 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: Gerald Biddiscombe, person(s) occupying, and person(s) performing automobile repair work at 369 Marine Drive.**

**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 369 Marine Drive. 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 369 Marine Drive must vacate the premises by **4:00PM, JUNE 7, 2024**.

**AND TAKE NOTICE** that it has been determined that the residential property located at civic address 369 Marine Drive is being partially used for commercial purposes related to a mechanical repair business for automobiles, 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 369 Marine Drive 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 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 369 Marine Drive cease and desist by **4:00PM, JUNE 7, 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 369 Marine Drive must vacate the premises by **4:00PM, JUNE 7, 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 6<sup>th</sup> day of June,  
2024 A.D.



---

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