



**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

Citation: *GGR Developments Ltd. v. Buchans (Town)*, 2025 NLSC 181

Date: December 18, 2025

Docket: 202001G2282

BETWEEN:

GGR DEVELOPMENTS LTD.

APPELLANT

AND:

TOWN OF BUCHANS

RESPONDENT

Before: Justice Alexander MacDonald

On Appeal From: A Decision of the Central Newfoundland Regional Appeal Board pursuant to s. 404(5) of the *Municipalities Act*, Appeal # 15-006-064-032 dated the 9th day of March, 2020.

Place of Hearing: St. John's, Newfoundland and Labrador

Date of Hearing: September 10, 2025

Summary:

GGR Developments appealed a demolition order issued by the Town of Buchans and upheld by the Central Newfoundland Regional Appeal Board. The Court found that the Board erred in law by failing to ensure the Town provided adequate reasons for its decision, including not specifying which statutory grounds under section 404(1)(f) applied and whether the Town conducted its own inspection. The Court

vacated the Board’s decision and remitted the matter back with directions. The Court allowed GGR’s appeal.

Appearances:

Sarah J. Clarke	Appearing on behalf of the Appellant
Sean M. Pittman	Appearing on behalf of the Respondent

Authorities Cited:

CASES CONSIDERED: *Barron v. Eastern Newfoundland Regional Appeal Board*, 2021 NLSC 150; *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29; *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65; *Baker v. Canada (Minister of Citizenship & Immigration)*, [1999] 2 S.C.R. 817; *St. John’s (City) v. 10718 Nfld. Inc.*, 2018 NLSC 194

STATUTES CONSIDERED: *Municipalities Act, 1999*, S.N.L. 1999 c. M-24; *Urban and Rural Planning Act, 2000*, S.N.L. 2000, c. U-8

REASONS FOR JUDGMENT

MACDONALD, J.:

INTRODUCTION

[1] GGR Holdings Limited (GGR) owns a vacant property at 59 Church Street, Lot 89D, in the Town of Buchans. It is an end unit of a five-unit residential townhouse.

[2] At a council meeting on August 28, 2019, the Town, under section 404(1)(f) of the *Municipalities Act, 1999*, S.N.L. 1999 c. M-24 (“*Act*”), ordered that GGR demolish the property, restore the site to its original state, and restore the end of the adjacent property to a state that protects it from “all types of weather and climate.”

[3] GGR appealed this order to the Central Newfoundland Regional Appeal Board under the *Urban and Rural Planning Act, 2000*, S.N.L. 2000, c. U-8 (*URPA*). The Board dismissed GGR’s appeal and confirmed the Town’s order.

ISSUES

[4] GGR appealed the Board's decision. Although it also appealed on other grounds, the issues before me at the hearing were:

ISSUE 1: Did the Board err in law when it concluded that the Town had authority to order the demolition of the property without giving sufficient reasons for its decision?

ISSUE 2: Did the Board err in law when it concluded that the Town had authority to order that GGR repair the party wall of the adjacent property?

ISSUE 3: Did the Board err in law when it concluded the appeal process did not allow the Board to consider the physical condition of the property?

[5] GGR and the Town agreed that if I allow the appeal, I should refer the matter back to the Board with an opinion on how to resolve any errors of law.

[6] I allow GGR's appeal. I refer the matter back to the Board with an opinion I describe later.

[7] I will now tell you why I made this decision. I will first consider whether the Town had authority to order the demolition of the property without giving sufficient reasons for its decision.

ISSUE 1: Did the Board err in law when it concluded that the Town had authority to order the demolition of the property without giving sufficient reasons for its decision?

[8] I find that the Board did error. In particular, it:

- (a) has an obligation to provide adequate written reasons for its decision;
- (b) erred when it did not consider whether the Town should have identified which of the three conditions in section 404(1)(f) it relies on; and

- (c) erred when it did not adequately address whether the Town conducted its own inspection of the property.

Statutes that Apply to this Decision

[9] Under section 408(1) of the *Municipalities Act*, GGR may appeal the demolition order to the Board. Its appeal is not restricted to errors of law or jurisdiction. The *URPA* in force then established the appeal process. Section 42(10) and (11) said the Board, when considering the appeal:

- (a) may confirm, reverse, or vary the decision appealed;
- (b) may impose those conditions that it considers appropriate;
- (c) shall not make another decision that overrules a council's discretionary decision; and
- (d) may direct the council to carry out its decision or make the necessary order to implement its decision.

[10] Thus, the Board may substitute its decision on a demolition order. It is not limited to doing so only if the Town made an error of law, so long as the Town's decision is not discretionary. The Board makes both decisions at the first instance. GGR must show that the Board's decision is incorrect because of an error of law or jurisdiction.

URPA Appeal

[11] GGR then appealed the Board's decision to this Court under section 46.1 of the *URPA* on a question of law or jurisdiction.

Applicable Standard of Review

[12] The question turns on whether the Board gave adequate reasons for upholding the Town's demolition order. This is an issue of procedural fairness. The standard

of review is correctness (*Barron v. Eastern Newfoundland Regional Appeal Board*, 2021 NLSC 150, at para. 25).

[13] The Supreme Court of Canada in *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29, confirmed at paragraph 27 that, “where questions of procedural fairness are dealt with through a statutory appeal mechanism, they are subject to appellate standards of review.”

[14] The Supreme Court of Canada, in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (in the context considering how a duty to provide reasons will impact how a court conducts reasonableness review) said, at paragraph 77, “[i]t is well established that, as a matter of procedural fairness, reasons are not required for all administrative decisions. The duty of procedural fairness in administrative law is ‘eminently variable,’ inherently flexible and context-specific.”

[15] It also said, “[w]here a particular administrative decision-making context gives rise to a duty of procedural fairness, the specific procedural requirements that the duty imposes are determined with reference to all of the circumstances.”

Board’s Obligation to Provide Adequate Written Reasons

[16] The Supreme Court also in paragraph 77, referred to the so called *Baker* factors, “a non-exhaustive list of factors that inform the content of the duty of procedural fairness in a particular case, one aspect of which is whether written reasons are required” (*Baker v. Canada (Minister of Citizenship & Immigration)*, [1999] 2 S.C.R. 817, at paras. 23-27). Those factors include:

- (a) the nature of the decision being made and the process followed in making it;
- (b) the nature of the statutory scheme;
- (c) the importance of the decision to the persons affected;
- (d) the legitimate expectations of persons challenging the decision; and
- (e) the administrative decision-maker’s procedure choices.

[17] Section 42(13) of the *URPA* says that the Board “shall, *in writing*, notify the appellant and ... council ... of [its] decision” [emphasis added]. GGR may participate in the process and appeal the decision. Section 46(1) says that GGR may appeal within 10 days after receiving the Board’s *decision*. Thus, the Board must give written decisions. It did so.

[18] When I apply the *Baker* factors to allow me to inform the contents of the Board’s obligations to comply with procedural fairness by giving GGR adequate reasons for its decision, I find:

- (a) the Board must decide whether the Town can destroy a citizen’s property;
- (b) the Board must reconsider the Town’s decision;
- (c) the Board’s decision is important to the citizen as their property will be destroyed without compensation;
- (d) the Board recognized the importance of its decision. It conducted a hearing where the Town and the citizen could present evidence and arguments; and
- (e) a citizen would reasonably expect that the Board (and in this context the Town) will tell them why their property must be destroyed.

[19] These reasons, as Justice McGrath (as she then was) said in *St. John’s (City) v. 10718 Nfld. Inc.*, 2018 NLSC 194, must be sufficiently transparent, justifiable, and intelligible for the parties to understand whether or how the decision-maker decided the issue (at para. 70).

[20] She also observed that a court’s review of adequacy of reasons is not generally a stand-alone ground of appeal but must be undertaken in a review of the decision (at para. 86).

[21] The Supreme Court also directs in *Vavilov* (in the context of a judicial review, not a statutory appeal) that I must not assess an administrative decision-maker’s reasons against a standard of perfection. I cannot divorce these reasons from the institutional context and history of the proceeding. I should read the reasons considering the history and context of the proceeding (at para. 91).

[22] When I apply all of this guidance, I must consider the record, including the evidence before the Board and the submissions of the parties (at para. 94).

Town's Reasons

[23] The Town and the Board relied on section 404(4)(f) of the *Municipalities Act*. That section says, where a property is: (i) in a dilapidated state; (ii) in the opinion of the council, unfit for human habitation, or another use for which it is then being used; or (iii) a public nuisance, the council may order that the owner must pull down, remove, fill in, or otherwise destroy the property. The Owner must restore the site to its original state or make the disposition or alteration of the property that the order directs.

[24] The Town order referred to this section in its entirety. It did not specify which of the three conditions applied to the property.

[25] The Town discussed the demolition order at a council meeting on August 28, 2019. The minutes record that:

- (a) a councillor asked about the property;
- (b) the Mayor said he spoke to the Department of Health Service NL and Fire Emergency Services in Grand Falls-Winsor to get someone to act on getting this property demolished; and
- (c) “after discussions with these organizations, it came down to that the Town has to issue a demolition order to have the property torn down.”

[26] The minutes do not show that the Counsel discussed the state of the property or why it should be demolished. There is no discussion of what specific conditions of section 404(1)(f) apply.

[27] The remainder of the record shows that the Town's primary issue is GGR's refusal to pay property taxes.

Board's Reasons

[28] The Board in its March 9, 2020 decision said that:

- (a) it reviewed section 404(1)(f). It confirms that the Council does have the right to order the repair (para. 2, No. 2, p. 4). [It appears to me that the “repair” is the restoration of the party wall with the adjacent building];
- (b) Council responded to a complaint from a resident. Council acted. The Board reviewed [the Council’s] letter of November 13, 2018, to [GGR] that referenced the Town's inspection. It referenced that there were issues with a falling ceiling, extreme mold and overall deteriorating conditions. (para. 2, No. 3, p. 4);”
- (c) Council used section 404 (1)(f) to issue the demolition order;
- (d) “While there are no definitions of a dilapidated state, the *Municipalities Act* still allows Council to make that determination;”
- (e) the Town responded to a resident’s concerns, investigated, and deemed the property to be in the condition described in section 404(1)(f). [I observe that the Board, like the Town, did not specify which of these conditions it was referencing] The Board said that Council discussed the condition of the property. It then made Motion #271-2019 on August 28, 2019; and
- (f) the Town properly applied section 404(1)(f) when it issued the demolition order. The Board confirmed the Town’s decision.

[29] I do not review the Board’s reasons on a correctness standard. But I need to know whether the Board decided that there were no special circumstances. Are these words sufficiently transparent, justifiable, and intelligible for the parties to understand whether or how the Board decided the issue?

Conclusion on the Board's Reasons - Two Errors

[30] I find that the Board's reasons on this issue are not sufficiently transparent, justifiable, or intelligible for the parties to understand whether or how the decision-maker decided the issue. The Board erred twice when:

- (a) it did not consider whether the Town should have identified which of the three conditions in section 404(1)(f) it relied on; and
- (b) it did not adequately address whether the Town conducted its own inspection of the property.

First Error

[31] As to the first error, how can GGR and the Board know whether the Town based the demolition order on:

- (a) the "dilapidated state" of the property;
- (b) its opinion that the property is "unfit for human habitation";
- (c) the property is a "public nuisance"; or
- (d) any or all of these three grounds?

[32] For example, the Counsel might have concluded that the property was unfit for human habitation. This may be a discretionary opinion, which the Board might have concluded it cannot overrule under section 42(11) of the *URPA*.

[33] Alternatively, it might have based its demolition order on one or more of the other grounds. Then the Board might have concluded that it can overrule the Town.

[34] Each ground is different. For example, a property might be a public nuisance but still be fit for habitation. How is GGR to know how or what it can appeal if neither the Town nor the Board told it what part of section 404(1)(f) they relied upon?

Second Error

[35] As to the second error, the Board said that the “Town’s inspection” showed “fallen ceilings, extreme mold, and overall deteriorating conditions.” This may not be correct.

[36] The Mayor in his November 13, 2018 letter to GGR, said, “[w]hen I arrived at the property, I did indeed find the door wide open, and was able to establish there was at that time no one inside. I can state, however, that those residents who could see the property through the open door viewed fallen ceilings, extreme mold, and overall deteriorating conditions.”

[37] This suggests that the Mayor merely reported on what someone else saw.

[38] However, at the hearing (transcript at pages 49-50) he said that in November 2018 a neighbour, Mr. Harris, was having trouble with water coming into his unit from the GGR property. He said he “went down” and had a look.

[39] He said, “Mr. Harris went in and walked up the stairs and then he shouted out and I said, well, Jesus, frightened the shit out of me because I said maybe there’s youngsters up there. I went in, walked up the stairs looked around, came down and walked out.”

[40] He said, “the demolition order ... is based on my observations because what I observed was ceiling tiles down on the floor, water damage, roof leaking but what greatly concerned me is that the entire upstairs was covered in mold, absolutely covered.”

[41] It seems he was talking about his own inspection of the property rather than Mr. Harris’s inspection. But if this is so, it contradicts his letter of November 13, 2018, where he does not mention he actually inspected the house.

[42] Furthermore, the Board does not mention that the Mayor inspected the house but instead accepts his November letter. Thus, it may be that the Board did not accept that the Mayor inspected the property but instead thought he was referring to Mr. Harris’s observations. This is understandable because that is what the Mayor told GGR in its November 2018 letter.

[43] Thus, the Town may have merely reported observations made by a neighbour, not by any Town official.

[44] To the extent it is not obvious, I find that if the Town orders the demolition of GGR's property, it must at the very least conduct its own inspection to determine the state of the property. It cannot rely only on statements from a neighbour who may have an interest in the outcome of the inspection.

[45] Therefore, the Town did not give adequate reasons for its demolition order. The Board erred by concluding that the Town did so.

GGR'S REMEDY

[46] Under section 39(5) of the *Municipalities Act*, I must either confirm or vacate the Board's decision. If I vacate its decision, I shall refer the matter back to the Board with my opinion on the error in law.

My Opinion on Referral Back to the Board

[47] I hereby vacate the Board's decision. I find that the Board should have concluded that the Town must identify what part of section 404(1)(f) of the *Municipalities Act* it relies on. Then, it should have provided reasons why the property falls within one of these conditions.

[48] However, even if the Town identified the appropriate section, the Board should decide whether the Town conducted an inspection or, in the absence of its own inspection, can rely on another's evidence.

Issues I Did Not Address

[49] Because I remitted the matter back to the Board, I need not deal with any of the other grounds of appeal. However, the Board did not give reasons why:

- (a) it could not consider the factual basis on which the Town made the demolition order; and
- (b) it concluded that the Town could order a rectification of the adjacent property common wall.

[50] The Board’s general conclusions without reasons are not sufficient. The Board in any future reconsideration of these issues on this matter might consider whether it will give more detailed reasons.

DISPOSITION

[51] I allow GGR’s appeal. I vacate the Board’s decision. I refer GGR’s appeal back to the Board with the opinions I refer to in paragraph [47].

COSTS

[52] GGR was successful on the appeal. It is entitled to its costs.

ALEXANDER MACDONALD
Justice