

**From:** [Office](#)  
**To:** [Michelle Walsh-Doucette](#); [Office](#)  
**Cc:** [SM Drummond](#)  
**Subject:** LA25001 Montgomery Cavendish Cottages Inc. v. Resort Municipality  
**Date:** Friday, February 21, 2025 2:43:19 PM  
**Attachments:** [image001.png](#)  
[Drummond,SunsetLane.SD.application.21.10.2024.pdf](#)

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Good afternoon Ms. Walsh-Doucette,

Thank you for your recent correspondences of January 15th and February 11, 2025 in this matter. Again, I apologize for not having responded to the 1st letter but it ended up elsewhere than in our mailbox.

You have requested that we consider responding to the issue of jurisdiction dealing with whether or not service of the appeal was effected properly or in time. Your letter of January 14th as subsequently received indicates that the Commission received a Notice of Appeal on Friday January 10th 2025 on behalf of Montgomery Cavendish Cottages Inc against two decisions of the Resort Municipality.

You state: “ it appears there may be a question about whether your appeal was filed within the within the statutory timeline prescribed by the Planning Act, RSPEI 1988, Cap P-8. “

Further you note:

“Your notice of appeal was received January 10th 2025. Subsection 28 (1.3) of the Planning Act provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.”

You note further: “the approval decisions with respect to the subdivision applications are dated December 17th, 2024.” You further state: “the matter of whether the notice of appeal was filed within the prescribed time line goes to the jurisdiction of the Commission, and as a statutory tribunal, the Commission does not have the jurisdiction to extend the time for filing an appeal under the Planning Act. You therefore requested, as a preliminary matter, that the Commission would request submissions from the appellant with respect to the limitation period and whether this notice of appeal was filed within the prescribed statutory timeline.

Subsequently, at our request, you extended the time for response to February 28th 2025. It is in respect of that comment and request that we are responding to you. We appreciate the extension.

At the outset we believe that it is important and relevant in all the circumstances to review the applications for subdivision which were presented by Mr. Stuart Drummond, copies of which are enclosed for your information.

The first application was tendered in respect of PID 563908 which had an existing land use of capital RD2. Section 3 of that application notes that the owner of the land being subdivided to be Stuart M Drummond of 59 Sunset lane, Cavendish and a specific e-mail address was stated there on as you will note from the attached. The second application is in respect of parcel 232868, again filed by Mr. Drummond with his phone number attached

but no e-mail address. We assumed that it was his intention that being a personal application and having used his particular e-mail address that the response from the Resort Municipality would as a matter of consequence be forwarded to him either by regular mail, or addressed to the e-mail address which is displayed on the front page of the application for permission to subdivide parcel 563908.

It would appear from the letters dated December 17th 2004 from Resort Municipality, notwithstanding that the application for subdivision was made by Mr. Drummond personally that the response from the municipality should have been addressed to him personally. In fact, the letters were addressed to Montgomery Cavendish Cottages Inc. We are advised that the letters were sent by e-mail to Mr. Drummond's company and to an old and little used email address and not to him directly as noted on the application as he sold the cottage business in January 2022 to Basking Bear Shore Investment Inc. and Montgomery Cavendish Cottages Inc. is inactive. A new company was set up. He does not use and has not used , in the ordinary course, the e-mail address that the decision letters were sent to. He gave a specific e-mail address in making his application and could reasonably have expected a response to them would have been sent to the e-mail address on the application for subdivision which, as we note, it was not. This is perplexing as well as problematic.

We are aware of the time limitation for an appeal is set forth in the Planning Act, section 28. Technically, a strict application of the limitation period would mean that the Notice of Appeal in respect of this matter should have been filed on or about January 8th 2025 in order to be within the timeframe set forth in the legislation. However, as noted, the notice of denial letters dated December 17th were sent to an address different from the address sent from the e-mail address that was specified on the application for subdivision. This then creates a bit of an oddity and a total non sequitur as the denials were sent to a party that did not apply for subdivision permission and to an address not specified in the application. Whether the statutory time limitation therefore should apply in such a situation begs for clarification. It surely could not be the responsibility of Mr. Drummond to expect to receive an e-mail to an address that he seldom uses. His applications were specific in giving phone numbers and a specific e-mail address. It would be illogical and absurd for the Commission or any appellate body to hold that he missed the limitation when it wasn't sent to the address he used to apply in the first place.

In our view, without arguing the law, it is incumbent upon the Resort Municipality to respond to applications for subdivisions or other matters directly to the person or parties and contact addresses listed on the application and not to an extraneous address. The decisions were directed to Montgomery Cavendish Cottages Inc whereas the applicant was Stuart M Drummond. It can hardly be said that the community responded to the applicant properly. It is therefore our position that the decision was not properly rendered or delivered and the time frame listed under the Planning Act should not apply to this situation.

It is beyond the scope of this e-mail to do other than raise the preliminary point on the jurisdiction of the Commission to hear an application which was responded to by the Resort Municipality to an address and a party other than the applicant and the e-mail address provided therein, rendering the decision, such as it was, a nullity and of no force or effect.

As this is only a preliminary measure we do not wish to argue the merits of the case but wish to provide information which indicates the applications and how they were made and

the decisions which were addressed to a party other than the applicant. As noted they were sent to a third party address that was not specified in the notice of application for subdivision.

We would be pleased to answer any questions the Commission has in respect of this matter and invite your comments at your early convenience. In addition, we look forward to seeing the response from the community in respect of our comments herein.

Yours very truly,

T. Daniel Tweel

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**From:** Michelle Walsh-Doucette <[mwalshdoucette@irac.pe.ca](mailto:mwalshdoucette@irac.pe.ca)>  
**Sent:** February 11, 2025 1:51 PM  
**To:** Office <[office@tweellaw.ca](mailto:office@tweellaw.ca)>  
**Cc:** Jessica Gillis <[jgillis@irac.pe.ca](mailto:jgillis@irac.pe.ca)>; Philip Rafuse <[PJRafuse@irac.pe.ca](mailto:PJRafuse@irac.pe.ca)>  
**Subject:** FW: LA25001 Montgomery Cavendish Cottages Inc. v. Resort Municipality

Good afternoon Mr. Tweel,

Can you please acknowledge receipt of the below email and attached correspondence.

Thank you.

M



**Michelle Walsh-Doucette** (she/her)

Commission Clerk

D. 902.368.7856

[irac.pe.ca/about/contact/](http://irac.pe.ca/about/contact/)

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**From:** Michelle Walsh-Doucette  
**Sent:** Monday, February 10, 2025 11:20 AM  
**To:** 'office@tweellaw.ca' <[office@tweellaw.ca](mailto:office@tweellaw.ca)>  
**Cc:** Jessica Gillis <[jgillis@irac.pe.ca](mailto:jgillis@irac.pe.ca)>; Philip Rafuse <[PJRafuse@irac.pe.ca](mailto:PJRafuse@irac.pe.ca)>; 'resortmunicipal@eastlink.ca' <[resortmunicipal@eastlink.ca](mailto:resortmunicipal@eastlink.ca)>  
**Subject:** RE: LA25001 Montgomery Cavendish Cottages Inc. v. Resort Municipality

Good morning Mr. Tweel,

Further correspondence of January 14, 2025, can you please advise whether you intend to provide submissions as requested? The Commission will expect these submissions not later than Friday February 14, 2025. The Municipality will then have until March 7, 2025, to respond.

M



**Michelle Walsh-Doucette** (she/her)

Commission Clerk

D. 902.368.7856

[irac.pe.ca/about/contact/](http://irac.pe.ca/about/contact/)

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**From:** Michelle Walsh-Doucette

**Sent:** Tuesday, January 14, 2025 2:14 PM

**To:** 'office@tweellaw.ca' <[office@tweellaw.ca](mailto:office@tweellaw.ca)>; 'resortmunicipal@eastlink.ca' <[resortmunicipal@eastlink.ca](mailto:resortmunicipal@eastlink.ca)>

**Cc:** Jessica Gillis <[jgillis@irac.pe.ca](mailto:jgillis@irac.pe.ca)>; Philip Rafuse <[PJRafuse@irac.pe.ca](mailto:PJRafuse@irac.pe.ca)>

**Subject:** LA25001 Montgomery Cavendish Cottages Inc. v. Resort Municipality

Good afternoon,

Please see attached correspondence with respect to this matter.

M.



**Michelle Walsh-Doucette** (she/her)

Commission Clerk

D. 902.368.7856

[irac.pe.ca/about/contact/](http://irac.pe.ca/about/contact/)

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7591 Cawnpore Lane  
Cavendish, PE C0A 1N0

Phone (902) 963-2698  
Fax (902) 963-2932  
E-mail- [resortmunicipal@eastlink.ca](mailto:resortmunicipal@eastlink.ca)

### APPLICATION FOR PERMISSION TO SUBDIVIDE LAND

#### Section 1- Address of land to be subdivided

Street/Road: Sunset Lane

Property Tax Number: PID # 232868

#### Section 2: Land Uses

Existing Land Use: Summer cottage / Single Family dwelling  
Proposed Land Use( Please specify type of building i.e. single family dwelling, condominium dwelling, summer cottage, tourist accommodation facility, store, tourist attraction, etc.)

Number of lots proposed: 3

#### Section 3- Present owner of land being subdivided:

Name: Stuart M. Drummond

Mailing Address: 59 Sunset Lane, Cavendish.

Postal Code: COA 1N0 Tel: 902 218 4636

#### Section 4- Name and address of provincial land surveyor who certified the plan: ( If not yet surveyed, please print "PRELIMINARY" in the Name Space.)

Name: Preliminary

Mailing Address:

Postal Code  Tel:

#### Section 5- Correspondence in connection with this application should be addressed to:

Name: Stuart M. Drummond.

Mailing Address: 59 Sunset Lane

Postal Code: COA 1N0 Tel: 902 218 4636

S.M. Drummond  
Owner(s) Signature

21 Oct 2014  
Date

Denied Dec 17/14  
Brennan CAO



Resort Municipality  
7591 Cawnpore Lane, R.R. # 2  
Hunter River, PE, C0A 1N0  
Phone: (902) 963-2698  
Fax: (902) 963-2932  
[resortmunicipal@eastlink.ca](mailto:resortmunicipal@eastlink.ca)

**APPLICATION FOR PERMISSION TO SUBDIVIDED LAND**

**SECTION 1: Address of land to be subdivided:**

Street/Road: Sunset Lane

Property Tax Number: # 563908

**SECTION 2: Land Uses:**

Existing Land Use: RD 2

Proposed Land Use (Please specify type of building i.e. single family dwelling, condominium dwelling, summer cottage, tourist accommodation facility, store, tourist attraction, etc.)

Single Family, Summer cottage, Tourist Accomadation.

Number of lots proposed: 2

**SECTION 3: Present owner of land being subdivided:**

Name: Stuart M. Drummond

Mailing Address : 59 Sunset lane, Cavendish.

Email: 3rcreng@gmail.com

Postal Code: C0A 1N0 Tel: 902 218 4636

**SECTION 4: Name and address of provincial land surveyor who certified the plan:**

(If not yet surveyed, please print "PRELIMINARY" in the Name Space.)

Name: (Preliminary.)

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Postal Code \_\_\_\_\_ Tel: \_\_\_\_\_

*Denied Dec 17/24  
Brettonall CAO*