

From: [Office](#)
To: [Michelle Walsh-Doucette](#); [Philip Rafuse](#); cdoyle@stewartmckelvey.com; [Jessica Gillis](#); [Office](#)
Subject: Re: Resort Municipality - Drummond;
Date: Monday, March 24, 2025 4:04:37 PM

Good afternoon Ms. Walsh-Doucette,

Herewith our response to the letter sent by Mr. Doyle on behalf of the Resort Municipality.

Mr. Doyle's letter appears to focus primarily on the Planning Act appeal provisions. He notes, for example that the relevant provisions of the Planning Act provide for a certain period of time to file an appeal - and that's it. In fact, the appellant does not disagree with the 21 day appeal limit notwithstanding the existence of holidays.. The bottom line is that, apart from what follows, the filing of an appeal by Montgomery Cavendish Cottages Inc may in fact be an error based in part by the fact the Resort Municipality turned down an application by the Corporation when in fact the Corporation did not make an application for subdivision. The appeal should have most likely been filed by Montgomery Stuart Drummond. The Resort Municipality has not addressed that fact and in fact if it did not respond to the applicant how can it be properly said the applicant received notice and an appeal period should have started on the day the decision was erroneously issued to a non party to the application? The appellant's position is that the municipality erred and cannot rely on the notice provision under the Planning Act. To decide otherwise would be an absurdity.

The file indicates that Mr. Drummond personally filed documents in 2024 to subdivide land on Sunset Lane. The application was made in his name personally and the application indicated that the response should be sent to a specified street address and a specified e-mail address. Of that there can be no question on a review of the applications filed.

Notwithstanding that Mr. Drummond personally filed an application for subdivision the Resort Municipality took it upon itself to respond to Mr. Drummonds company, Montgomery Cavendish Cottages Inc. That however is not the party that made the application for subdivision. Montgomery Cavendish Cottages Inc. sold its cottage operation in early 2023. Subsequent to that Mr. Drummond incorporated a new company identified as Montgomery Properties Inc. It was his view and understanding that having sold the cottages and the land they sat on that the company was no longer relevant and that is why he didn't make

the application for subdivision in the companies name. That notwithstanding the Resort Municipality sent letters to his company. The question to be asked is whether the Resort Municipality properly gave notice to the applicant. We believe it failed to do so and in so doing cannot be said to have given proper or effective notice notwithstanding the Planning Act.

Mr. Drummond assumed, from what his accountant had told him, since the cottage lands were sold, that there was nothing in the company and therefore his application for subdivision should have been in his name. While that is somewhat incorrect, it is the belief he maintained and that is the basis on which he made a subdivision application his personal name. The reality is that the Resort Municipality took it upon itself to interpret the application as being made by a company that had been suspended due to inactivity in terms of filing. That being the case the appellant contends the Resort Municipality did not act properly in communicating with him or the company in terms of its decision to refuse subdivision permission. Indeed, there are other matters that are relevant and germane and they include the fact that the Resort Municipality usually broadcasts its meetings. In this particular case the meeting was held in camera meaning that no one who attempted to view the meeting was able to participate or observe its deliberations on Mr. Drummond's application. The second issue which should be dealt with later is the fact that the response from the Resort Municipality dealt with a letter or e-mail from an employee of Parks Canada which indicated that Parks Canada would not enter into a development agreement with anyone over Sunset Lane. The letter concluded to the effect that "I hope this is what you're looking for." The email response smells of concoction in asking if the email was what the municipality was looking for.

Parks Canada has no jurisdiction over provincial highways or private roads. The appellant contends the letter or e-mail from Mr. Cusack "appears" to have been solicited by the Resort Municipality to support a denial of the Montgomery application when in fact Parks Canada has and had no jurisdiction to issue the letter because Sunset Lane is approved for development and does not require a 66 foot right of way. That was addressed by Mr. Drummond subsequently with Mr. Cusack. Nonetheless, it appears the Municipality relied upon the e-mail in support of its desire to decline the subdivision application notwithstanding that it had on prior occasions already approved subdivision approval on Sunset Lane and therefore created a precedent contrary to its own previous decisions.

Going back to the first point, the applicant was Mr. Drummond personally. The community mistakenly or intentionally responded to the company. The appeal provisions provide for a 21 day period within which to appeal. The fact that the Resort Municipality did not respond to Mr.

Drummond personally is, in our respectful view, evidence of the fact that it did not take cognizance of the facts, the application for subdivision or otherwise and therefore its decision should be considered a nullity and should not be considered to be binding upon the Commission and thus the appeal provisions set out in the Planning Act should not apply in this case. This is no different than the Municipality making a decision where it had no jurisdiction to do so or responded negatively to a non applicant to a third party application.

Yours truly,
Daniel Tweel