



July 30, 2025

The Island Regulatory & Appeals Commission
Attention: Michelle Walsh-Doucette

Re: LA25005 D. Blair Sorrey v. Town of Three Rivers

Ms. Walsh-Doucette and members of the Commission,

Without obligation, this submission is in response to that of a Letter to Parties from The Island Regulatory & Appeals Commission dated June 19, 2025; A submission by D. Blair Sorrey (Appellant) on June 23, 2025; A response by Ewan W. Clark on July 17, 2025 and an additional submission by the Appellant on July 21, 2025.

I am in agreement with the statement from the Commission in the Letter to Parties dated June 19, 2025.

Information for the Appellant

“On a review of your Notice of Appeal, it seems the grounds of appeal and relief sought relate

solely to a request for a review of the Development by the Prince Edward Island Department

of Environment, Energy and Climate Action. The Notice of Appeal does not, on its face, disclose any grounds based in planning principles, or the Town’s Official Plan and/or Development Bylaw.”

This is consistent with The Island Regulatory & Appeals Commission Docket LA07011 Order LA07-12 for an appeal by D. Blair Sorrey regarding a decision of the Community of Brudenell, dated September 24, 2007, where I was the developer. The following is an excerpt from said order in which the appeal was denied:

3. Findings

[17] Further, the Commission’s own jurisdiction is restricted. The Commission cannot hear appeals of a decision made under the ***Environmental Protection Act***.

Although given additional opportunity for submission, Mr. Sorrey’s claims are unfounded and based solely on opinion and speculation. Nothing falls into question relating to

jurisdiction, planning authority, land use planning, by laws or sound Planning Principles. Upon being notified of concerns put forward by the Appellant, I spoke on two separate occasions at public meetings to address the concerns directly by providing facts specific to PID 199026 in attempt to alleviate concern, but more importantly, dispel the misinformation and false narrative being conveyed publicly by the Appellant. Despite these attempts, the Appellant has continued the same rhetoric in submissions to the Commission, thereby leading to this submission to once again address the misinformation and false narrative which may be made public.

Understanding that the facts herein fall outside the Commission's jurisdiction, the following text and attached documents are for information purposes only, not to be distributed (with the exception of the Indenture which is on public record) and although not required, are meant for the benefit of the Appellant.

Attached below is the Closure Letter for PID 199026 from Communities Land and Environment dated June 18, 2019. It Clearly states and is Important to note that there is no further risk and one simple condition, which is the implementation of a well exclusion zone, agreed upon by the property owner(s). This condition is included in the Indenture attached to the deed (also attached below) with some additional measures. Items 2. And 3. In the Indenture are not applicable, as the access has been removed and all monitoring wells decommissioned. The Indenture in its' entirety, including these additional conditions, were drafted by Shell Canada's legal team. Contrary to Mr. Sorrey's comments regarding Shell Canada, they, nor the Town of Three Rivers, preside over a covenant on title of privately held property. There should be no further concern regarding Gibson's Creek as there are clear parameters outlined in the Environmental Protection Act (EPA) in establishing a buffer zone. The Department of Environment, Energy and Climate Action was contacted and asked to physically come and mark said buffer zone on PID 199026 which was completed. In addition, although not required, for further certainty, I hired an engineering consulting firm to conduct a current Environmental Site Assessment (ESA) dated June 20, 2025. An excerpt from the ESA's Executive Summary is attached below.

In closing, it should be abundantly clear that the facts presented herein, together with decades of monitoring and reports, demonstrates that extensive Due Diligence and itemized planning were conducted by all parties. Respecting the Appellant's right to his opinion, this submission is a final attempt in hopes of creating an understanding that due process has taken place with no wrongdoing and mechanisms have been put in place to ensure environmental integrity .I humbly request that the Commission cease additional submission opportunities which may further mislead and misinform the public, warranting further response. Also, with respect to the Commission and the Appeals Process, based on all submissions and the facts presented, I hereby request that the Appeal be dismissed.

Yours Truly,

Mark Baker
President
ACRE Development Corp.



Communities
Land and
Environment

Communautés
Terres et
Environnement



*Climate Change and
Environment Division*

PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

*Division du changement climatique
et de l'environnement*

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

June 18, 2019

Our File: 4925-20-199018

Ms. Stephanie Griffin
Stantec Consulting Ltd.
165 Maple Hills Avenue
Charlottetown, PE
C1C 1N9

Dear Ms. Griffin:

**Re: Risk Assessment and Site Closure Report (March, 2017) and Record of Site Condition—
Third party Impacts from Former Shell Service Station, Brudenell, Kings County, PE
(Parcel # 199026, Shell Legacy Site No. C09340) – MacGregor Estate**

Stantec Consulting Ltd. were retained to prepare site closure records, document the site investigations completed and perform a risk assessment on the environmental impacts associated with the above noted property. The historical significance of the environmental concerns with this property relate to its proximity to an adjacent former service station where a significant gasoline release occurred from underground fuel storage tanks. This release led to extensive on and off-site remediation and monitoring of soil and groundwater conditions.

As outlined in the closure report submission by Stantec Consulting Ltd., the remedial objectives for the source property and any impacted third party properties have been met and the remaining petroleum hydrocarbon concentrations identified do not pose an unacceptable risk to human health and the environment based on some site restrictions. Pursuant to subsection 12(2) of the *Environmental Protection Act*, Petroleum Hydrocarbon Remediation Regulations, please consider this letter as our written notice of acceptance of the March 6, 2017 report (Stantec Project No. 121430178) and record of site condition (dated June 7, 2019) as prepared by Stantec Consulting Ltd. On April 10, 2017 the Department granted site closure to both PID # [REDACTED] and PID # [REDACTED] which were also properties associated with this incident. Acknowledgement of the recommended site restrictions for PID # 199026 has now been received by the owners, and the Department can now grant site closure for this property.

... / 2

S. Griffin
Page 2
June 18, 2019

The file closure associated with the property in question is granted with the following conditions:

1. A potable well exclusion zone be implemented which restricts any future potable well construction on a portion of PID # 199026. This restriction has been placed as an addendum on the deed to this property with a copy provided to the Department.

As a condition of closure, you must commence and complete the decommissioning of all monitoring wells associated with the property **and submit written confirmation to the Department of Environment, Water and Climate Change upon completion of this action.**

All existing monitoring wells must be decommissioned in the following manner:

- All obstructions in the wells must be removed to eliminate voids after decommissioning.
- The monitoring well must be completely filled with bentonite pellets or chips (final 0.3 metre to be sand). Bentonite placement above the water table requires water addition at 0.6 m intervals for hydration.
- The well casing must either be removed or cut off 0.4m to 0.5 m below ground surface.

This report, and previous reports, have been processed to ensure compliance with the Petroleum Hydrocarbon Remediation Regulations and have been found to meet these regulatory requirements.

Sincerely,



Todd Dupuis
Executive Director

Phase I ESA: Vacant Property, Western Portion of Parcel No. 199026, Brudenell, PEI

- information obtained from PEIDEECA indicating that the removal of the former UST, and the associated soil clean-up, at Parcel No. 199166 was carried out to the satisfaction of the Department in 1994;
- the downgradient location of Parcel No. 198945 relation to the subject site;
- the lack of potable groundwater uses at the subject site and surrounding properties (i.e., potable water supplied via the Town of Three Rivers Municipal system); and
- as noted previously, the proposed residential development of the subject site would be slab-on-grade construction with no basement.

No further environmental investigation of the subject site is deemed necessary at the present time based on the qualitative findings of this Phase I ESA.

The statements made in this Executive Summary and Table 1 below are subject to the same limitations included in the Closure (Section 9.0) and are to be read in conjunction with the remainder of this report.

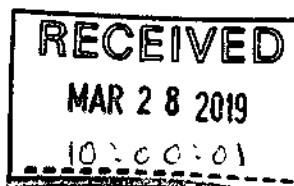
THIS INDENTURE

Made the 20th day of March, in the year of our Lord Two Thousand and Nineteen (2019).

IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF INDENTURES

BETWEEN:

MARY MacLEOD of Canning R.R. #3, in the Province of Nova Scotia, and **LEE MacLEOD** of Moncton, in the Province of New Brunswick, Executors of the Estate of **SHIRLEY MacGREGOR**, late of 1987 Robertson Road, Brudenell, in Kings County, Province of Prince Edward Island, Single, Deceased, Testate;
(hereinafter called the Grantors)



OF THE FIRST PART

AND:

MARY MacLEOD of Canning R.R. #3, in the Province of Nova Scotia, and **LEE MacLEOD** of Moncton, in the Province of New Brunswick, Executors of the Estate of **SHIRLEY MacGREGOR**, late of 1987 Robertson Road, Brudenell, in Kings County, Province of Prince Edward Island, Single, Deceased, Testate;
(hereinafter called the Grantees)

OF THE SECOND PART

WHEREAS the Lands and Premises herein described in Schedule "A" were owned by Shirley MacGregor who died on or about the 27th day of September, 2016, and by her Last Will and Testament dated the 14th day of June, A.D. 2013, she appointed her niece, Mary MacLeod, and her nephew, Lee MacLeod, to be the Executors and Trustees of her Will;

AND WHEREAS Letters Probate were issued by the Supreme Court of Prince Edward Island Estates Section to Mary MacLeod and Lee MacLeod on the 20th day of October, 2016;

AND WHEREAS the Grantors herein do hereby covenant and agree with the Grantees herein, their successors and assigns forever, that the following conditions shall attach to the Lands herein described in Schedule "A," being a portion of Prince Edward Island Parcel #199026 and as more particularly shown on the drawing attached hereto as Schedule "B", namely:

1. During the period commencing on December 1, 2018 and ending on November 30, 2093, there shall not be constructed or installed in or on the area of the Property depicted on the drawing attached hereto as Schedule "B", or any part thereof, any potable wells nor shall any existing potable wells be used. Petroleum hydrocarbon impacts in the area depicted on the drawing attached hereto as Schedule "B" shall not be disturbed unless managed in accordance with applicable regulatory requirements and qualified professionals should be consulted to provide guidance for management actions or controls that may be required to address any remaining impacts;
2. The Grantors shall permit Shell Canada Products, its employees and/or agents to access existing monitoring wells to sample, if required by the PEI Department of Communities, Land and Environment, without any charge to Shell Canada Products for accessing the property described in Schedule "A" and the hereinafter described twenty (20) foot access. Such access shall be provided at the option and cost of Shell Canada Products until the decommissioning stated in paragraph 3 below is completed. The width of such access shall be a maximum of twenty (20) feet along the most western boundary of Lot 2 on the Gulf plan, as referenced in attached Schedule "A", running from the southern boundary of the Robertson Road to the lands described in Schedule A" annexed hereto;

3. The Grantors shall permit Shell Canada Products a period, not to exceed twelve (12) months from the date the Prince Edward Island Department of Communities, Land and Environment gives written notice of the closure of its environmental file regarding Prince Edward Island Parcel #199026, to decommission monitoring wells (if found) on the Lands herein described in Schedule "A," in accordance with the Province of Prince Edward Island regulations regarding same;

and the Grantees herein for themselves and their successors and assigns forever covenant and agree that the aforementioned three conditions shall be deemed to run with the Lands and Premises described in Schedule "A", being a portion of Prince Edward Island Parcel #199026 and as more particularly shown on the drawing attached hereto as Schedule "B";

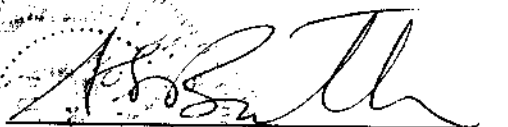
NOW WITNESSETH that in consideration of ONE (\$1.00) DOLLAR of lawful money of Canada now paid by the Grantees to the Grantors (the receipt whereof is hereby acknowledged) the said Grantors do grant unto the Grantees, their successors and assigns forever, all and singular the lands described in Schedule "A" annexed hereto subject to the aforementioned three conditions herein stated;

Together with all the rights, privileges, easements, advantages and appurtenances to the said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or enjoyed; TO HAVE and TO HOLD the said lands and premises with their appurtenances unto and to the use of the Grantees, their successors and assigns forever;

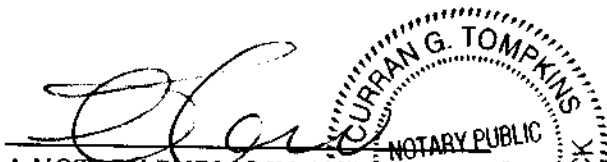
(1) THE SAID Grantors covenant with the said Grantees (2) that they have the right to convey the said lands to the said Grantees notwithstanding any act of the Grantors (3) and that the said Grantees shall have quiet possession of the said lands (4) and the Grantors covenant with the said Grantees that they will execute such further assurances of the said lands as may be requisite.


IN WITNESS WHEREOF the said parties have hereunto set their hands and seals on the day and year first above written.

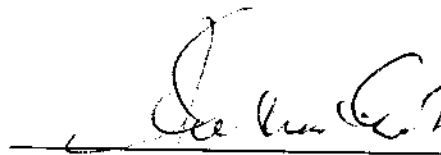
SIGNED SEALED AND DELIVERED
in the presence of:


A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NOVA SCOTIA

SIGNED SEALED AND DELIVERED
in the presence of:

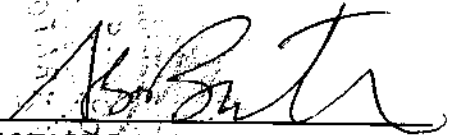

A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NEW BRUNSWICK

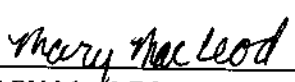

MARY MacLEOD, Executor of the
Estate of SHIRLEY MacGREGOR


LEE MacLEOD, Executor of the
Estate of SHIRLEY MacGREGOR

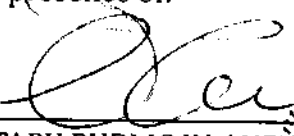
The Grantees have joined in this Deed of Conveyance to acknowledge their acceptance of the conditions contained herein.


SIGNED, SEALED AND DELIVERED
in the presence of:

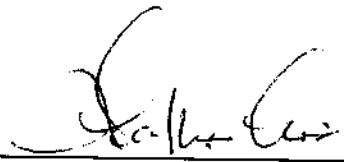

A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NOVA SCOTIA


MARY MacLEOD, Executor of the
Estate of SHIRLEY MacGREGOR

SIGNED, SEALED AND DELIVERED
in the presence of:


A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NEW BRUNSWICK




LEE MacLEOD, Executor of the
Estate of SHIRLEY MacGREGOR

CANADA
PROVINCE OF PRINCE EDWARD ISLAND

IN THE MATTER of the *Family Law Act*,
S.P.E.I. 1995, Cap. F-2.1

- and -

IN THE MATTER of the *Registry Act*,
R.S.P.E.I. 1988, c. R - 10.

AFFIDAVIT OF AGE AND SPOUSAL STATUS

I, MARY MacLEOD of Canning R.R 3, in the Province of Nova Scotia;

MAKE OATH AND SAY AS FOLLOWS;

1. I am one of the Grantors named in the annexed Indenture and I am at least eighteen years of age.
2. At the time of her death, Shirley MacGregor was a resident of Canada within the meaning of the *Income Tax Act* (Canada).
3. The property described in the annexed Indenture is not presently the subject of a court order, interim or otherwise, made pursuant to the *Family Law Act*, S.P.E.I. 1995, Cap. F-2.1.
4. Shirley MacGregor had no former spouses with a right to possession or other interest in the property described in the annexed Indenture by reason of a court order or domestic contract pursuant to the *Family Law Act*.
5. Pursuant to the *Family Law Act*:
 - (X) At the time of her death, Shirley MacGregor was not a spouse
 - () We are spouses of one another and have both executed the annexed Indenture
 - () _____ is my spouse and either:
 - () The property described in the annexed Indenture has never been occupied by me and my spouse as a family home;
 - () The property described in the annexed Indenture is not designated by me and my spouse as a family home under section 21 of the *Family Law Act* and an instrument designating another property as a family home of me and my spouse is registered and has not been cancelled;
 - () My spouse has released all rights to the property described in the annexed Indenture acquired pursuant to Part II of the *Family Law Act* by a domestic contract.
6. In this Affidavit, "Spouse", "Family Home", and "Domestic Contract" have the same meaning as set forth in the *Family Law Act*.

SWORN before me at Canning
in the Province of Nova Scotia, this
20 day of March, A. D. 2019.

A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NOVA SCOTIA

Mary Macleod
MARY MacLEOD

© ALISON SCOTT BUTLER Q.C.
451 Ross Creek Road
RR# 3 Canning, N.S.
BOP 1H0

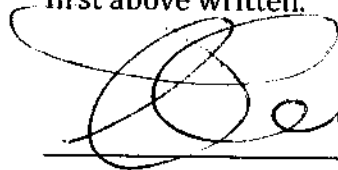
CANADA

PROVINCE OF NEW BRUNSWICK

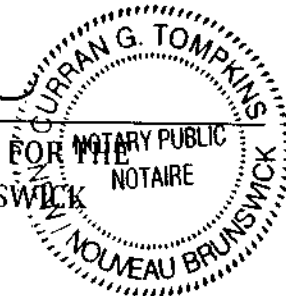
NOTARIAL CERTIFICATE

On the 19th day of March, 2019, before me, the undersigned, a Notary Public duly sworn and commissioned, residing and practicing in the City of Moncton, in the Province of New Brunswick, personally appeared before me **LEE MacLEOD**, to me known to be the person named in and who executed the foregoing deed or writing and he acknowledged that he did freely and voluntarily execute the same to and for the uses and purposes therein mentioned.

IN FAITH AND TESTIMONY whereof I have hereunto subscribed my name and affixed my seal of office at the City of Moncton, aforesaid, on the day and year first above written.



A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NEW BRUNSWICK



CANADA

PROVINCE OF NOVA SCOTIA

NOTARIAL CERTIFICATE

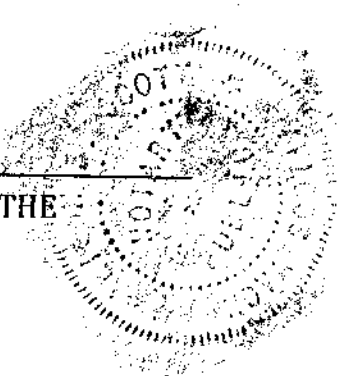
On the 20th day of March, 2019, before me, the undersigned, a
Notary Public duly sworn and commissioned, residing and practicing in
Canning, in the Province of Nova Scotia, personally appeared
before me **MARY MacLEOD**, to me known to be the person named in and who executed
the foregoing deed or writing and she acknowledged that she did freely and voluntarily
execute the same to and for the uses and purposes therein mentioned.

IN FAITH AND TESTIMONY whereof I have hereunto
subscribed my name and affixed my seal of office at
Canning, aforesaid, on the day and year first
above written.

ASB

A NOTARY PUBLIC IN AND FOR THE
PROVINCE OF NOVA SCOTIA

© ALISON SCOTT BUTLER Q.C.
451 Ross Creek Road
RR# 3 Canning, N.S.
BOP 1H0



SCHEDULE "A"

ALL THAT PARCEL OF LAND situate, lying and being on Township Number Fifty-two (52), in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point on the eastern boundary of Lot 1, now or formerly in the possession of Marwood Properties Inc. (PID #738633), said point being on an azimuth of $190^{\circ}25'02''$ 32.7 meters southwest of the survey marker designated as number 311 on a "Plan of Survey Prepared for Shirley MacGregor" as prepared by Gulf Surveys Ltd. on September 16, 2010, as drawing number 8111, which plan was approved by the Community of Brudenell on October 7, 2010 and filed in the Kings County Registry Office as plan number 35689 on November 1, 2010, said survey marker designated as number 311 having co-ordinates North 307902.95 feet and East 588546.74;

THENCE in a southeasterly direction on an azimuth of $127^{\circ}06'00''$ to the point of intersection with the southern boundary of Lot 2 as shown on the aforementioned survey plan;

THENCE in a generally westwardly direction along the southern boundary of Lot 2 which follows the course of Gibsons Creek to the southwestern angle of Lot 2 as shown on the aforementioned survey plan;

THENCE in a northeasterly direction on an azimuth of $10^{\circ}25'02''$ along the eastern boundary of Lot 1 as shown on the aforementioned survey plan to the point of commencement.

BEING and intended to be a generally triangular parcel of land illustrated on Schedule "B" annexed hereto.

SCHEDULE "B"



STA	EAST	NORTH
298	589601.88	307025.38
299	589553.42	307013.05
303	589102.23	307813.05
304	588977.44	307805.10
305	588969.50	307929.93
311	588546.74	307902.95
313	588485.49	307569.74
316	588869.64	307923.56
317	588877.60	307798.64
318	588883.29	307709.36
343	589101.91	307818.11
344	589201.71	307824.45
345	589204.90	307774.55
346	589365.70	307784.77
3810	592186.36	308217.17
3811	590413.90	308016.39

TO POOL'S CORNER

MAIN STREET

ROBERTSON ROAD

ROUTE 319

86°20'54" →
323.55'

86°20' →
100.0

LOT 1

PROPERTY NOW OR FORMERLY
OF
MARWOOD PROPERTIES INC.
(738633)

LOT 2

AREA = 2.6 ACRES ±
Liber 113 Follo 173
(PORTION OF PID NO. 199026)

REFER TO PLAN OF SURVEY PREPARED BY
GULF SURVEYS LTD. DWG. NO. 2019

(313)
FDSM

GIBSONS CREEK

PROPERTY NOW OR FORMERLY
OF
DOWN EAST MALL LTD.
(198945)

LOT 8
PROPERTY NOW
OR FORMERLY
OF
DANIEL MacRAE &
MARION MacRAE
(415521)

(REFER TO PLAN OF SURVEY
PREPARED BY
GULF SURVEYS LTD.
DWG. NO. 6512)

LOT 7
PROPERTY NOW
OR FORMERLY
OF
ELIZABETH GRAHAM
(426163)

LOT 6
PROPERTY NOW
OR FORMERLY
OF
GF HOLDINGS INC.
(415513)

DOWN EAST CRESCENT

"This is not a certified copy.
For certified copies, please refer
to Section 42 of the Registry Act."

NO.	35689
RECEIVED	1 Nov 2010
	Registry
	Kelly Co

BETWEEN:

MARY MacLEOD of Canning R.R. #3, in the
Province of Nova Scotia, and **LEE MacLEOD** of
Moncton, in the Province of New Brunswick,
Executors of the Estate of **SHIRLEY**
MacGREGOR, late of 1987 Robertson Road,
Brudenell, in Kings County, Province of Prince
Edward Island, Single, Deceased, Testate;

AND:

MARY MacLEOD of Canning R.R. #3, in the
Province of Nova Scotia, and **LEE MacLEOD** of
Moncton, in the Province of New Brunswick,
Executors of the Estate of **SHIRLEY**
MacGREGOR, late of 1987 Robertson Road,
Brudenell, in Kings County, Province of Prince
Edward Island, Single, Deceased, Testate;

DEED OF CONVEYANCE
ON TOWNSHIP NO. 52
IN KINGS COUNTY

HORACE B. CARVER, Q.C.
HBC LAW CORPORATION
Barrister & Solicitor
25 Queen Street, Second Floor
PO Box 1074
Charlottetown, PEI
C1A 7M4

FILE NO. 14088-001

Office of the Registrar of Deeds

For Kings County, Charlottetown, P.E. Island

Book 2185

Doc # 491

The within document was registered on

The 28th Day of Mar A.D., 2019 on

NOTARIAL CERTIFICATE


ASST REGISTRAR