



RECEIVED: September 26, 2025

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the 12 day of September, 2025, wherein the Minister/Community Council made a decision to issue a development permit to construct a new accessory storage building on PID 280370 owned by Alex and Ashley Davidson

(attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)
See Schedule "A"

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)
See Schedule "A"

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): Lorna and Gerald Stewart
Please Print

Signature(s) of Appellant(s):

Mailing Address: c/o Key Murray Law, 494 Granville St

City/Town: Summerside

Province: PE

Postal Code: C1N 4K4

Email Address: iain.mccarvill@keymurraylaw.com

Telephone: 902-436-4851

Dated this 26th **day of** September, 2025.
day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

SCHEDULE “A” – NOTICE OF APPEAL (continued)

(Pursuant to Section 28 of the Planning Act)

TAKE NOTICE that Lorna and Gerald Stewart (the “**Appellants**”) hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** on the 12th day of September, 2025, wherein the Minister made a decision to issue a development permit to construct a new accessory storage building (the “**Permit**”) on PID 280370 (the “**Subject Property**”) to Alex and Ashley Davidson (the “**Developers**”);

AND FURTHER TAKE NOTICE that in accordance with Section 28(5) of the **Planning Act**, the grounds for this appeal are as follows:

(a) The Appellants are “*aggrieved persons*” as defined by Section 27.1 of the **Planning Act**:

- The Appellants’ family home is located at 885 Darlington Road, Route 226, North Wiltshire, PE C0A 1Y0, which shares a common boundary with the Subject Property;
- As further detailed herein, the Appellants have reasonable grounds to believe that the enjoyment of their property is or will be negatively affected by the decision of the Minister;

(b) The Minister failed to follow the proper process or procedure as required in the **Planning Act**, the *Subdivision and Development Regulations* (the “**Regulations**”), and the law in general, including the principles of natural justice and fairness, in granting the Permit;

- During the summer of 2025, the Appellants observed their neighbours undertaking development of the Subject Property in the absence of a permit and utilizing the Subject Property for a variety of industrial/commercial uses, contrary to the Regulations. The Appellants complained to the Minister;
- On 28 August 2025, the Appellants received a letter from the Minister dated 25 August 2025, advising that the Developers had made application to change the use of their property from Residential to “*Residential/Industrial*”

(Commercial)” and to construct a building to store construction material and equipment;

- Upon receipt of the letter from the Minister advising of the Developer’s application, the Appellants retained legal counsel to assist in drafting a letter of objection;
 - The letter of objection dated 5 September 2025, a copy of which is enclosed, was provided to the Minister on 5 September 2025;
 - On September 12th, 2025, Sarah MacVarish, a Senior Development Officer for the Minister, wrote to the Appellants and advised that the Developers had cancelled their change of use application and opted to apply for a “home-based business” instead. Ms. MacVarish stated that the application would be approved that same day;
 - The Minister did not provide any notice that a new application was received, did not provide a copy of the new application or any supporting materials, and did not provide an opportunity for further comment;
 - The Minister violated its common law duty of procedural fairness and the principles of natural justice;
- (c) The Minister’s decision with respect to the application for a development permit was not made in accordance with the *Planning Act*, the *Regulations*, and does not have merit based on sound planning principles within the field of land use planning;
- The Minister was aware of the nature of the industrial/commercial operation taking place on the Subject Property and was aware, or ought to have been aware, that this unauthorized change of use did not conform with the Regulations;
 - Based on the information that was known or should reasonably have been known by the Minister, the Developer’s application was either approved knowing it was not compliant, or the Developers did not provide the Minister with complete and accurate information regarding their proposed use of the Subject Property;

- In other words, the Minister approved a purported accessory use despite the knowledge that the Developers had already changed the use of the Subject Property, thereby condoning the unauthorized change of use;
- The proposed development does not conform with the *Regulations* and will have a detrimental impact on the Appellants;
- The proposed development does not conform with the *Regulations* regarding the criteria for a home-based business;

(d) Such further grounds that may be revealed upon review of the full record as produced by the Minister.

AND FURTHER TAKE NOTICE that in accordance with Section 28(5) of the *Planning Act*, the Appellant seeks the following relief;

(e) The Appellant requests that the Commission allow this appeal and quash the issuance of the Permit.

DATED this 26th day of September, 2025



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This feature contains records dating back to December of 2022. For older records, please reach out to your municipality using the municipal directory above or by contacting Provincial Planning at 902-368-5590.

Property ID Number

280370

Consolidated Property ID Number

Community

- None -

Planning Authority

- None -

All

Address

Appeal Date From

2025-09-17



Appeal Date To

2025-10-17

Search

Showing results 1-1 of 1

PID	Address, Community	Application Type	Application Details	Nature of Decision	Appeal By Date
280370	893 Darlington Road RTE-226, DARLINGTON	Development Permits	Residential, Residential (Accessory Storage Building)	Approved	2025-10-04

Showing results 1-1 of 1

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Appeals to IRAC must be filed within 21 days of the decision in question. The calculation of the days included in the 21-day appeal period will be made in accordance with section 23 of the "[Interpretation Act](#)"  and it is recommended that you contact IRAC to obtain confirmation of the last day of the appeal period.

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General Inquiries

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