

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 Rural Municipality of West (name of City, Town or Community) on the 24 day of September, 2025, wherein the Minister/Community Council made a decision to deny the Subdivision Application submitted by Muddy Creek Developments Ltd. to subdivide four (4) lots from PID 203000.

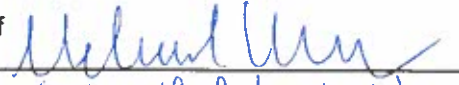
(attach a copy of the decision).

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)
Please 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)
Please see Schedule "A".

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

Name(s) of
Appellant(s): Muddy Creek Development Ltd.
Please Print

Signature(s) of
Appellant(s): 
(on behalf of Appellant)

Mailing Address: c/o Cox & Palmer, 600-97 Queen Street

City/Town: Charlottetown

Province: PE

Postal Code: C1A 4A9

Email Address: mmckenna@coxandpalmer.com

Telephone: 902-629-3929

Dated this 10 day of October, 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 Muddy Creek Developments Ltd. hereby appeals the decision of the Rural Municipality of West River ("West River") Municipal Council on the 24th day of September, 2025 denying the Subdivision Application for subdivision of four (4) lots from PID 203000 (the "Property")

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

- West River misinterpreted or failed to apply the 2022 *Land Use Bylaw*;
- West River misinterpreted or failed to apply the 2022 Official Plan;
- West River's decision failed to consider sound planning principles;
- West River improperly considered the subdivision of PIDs 203000 and 808154, which subdivision was authorized under the jurisdiction of the Minister of the Department of Agriculture and Land on September 17, 2021;
- West River acted arbitrarily and violated its common law duty of procedural fairness and principles of natural justice; and
- such further or other grounds as may be revealed upon review of the full record as produced by West River.

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the Appellants seeks the following relief:

- the Appellant requests that the Commission allow this appeal, set aside the decision of West River and order approval of the Subdivision Application submitted by Muddy Creek Developments Ltd. to subdivide four (4) lots from PID 20300

DATED this 10th day of October, 2025.