

Notice of Appeal

(Pursuant to Section 29.1 of the *Environmental Protection Act* and Section 13 of the *Environmental Protection Act Watercourse and Wetland Protection Regulations*)

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
 email: appealinquiries@irac.pe.ca

TAKE NOTICE that I/we hereby appeal the decision made by the Minister of Environment, Energy & Climate Action on 30 day of October, 2025, wherein the Minister made a decision relating to:

- ☐ an environmental protection order issued under subsection 7(2) or 7.1(2) of the **Act**;
- ☒ the refusal, revocation or amendment of a permit, grass headland variance, grass headland exemption, or authorization;
- ☐ the refusal of approval of a management plan; or
- ☐ the issuance of an emergency field order

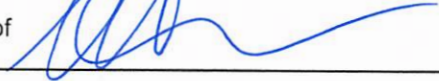
(attach a copy of the decision).

AND FURTHER TAKE NOTICE that in accordance with the provisions of Subsection 29.1(5) of the *Environmental Protection Act*, the grounds for appeal are as follows: (use separate page(s) if necessary)

With respect to Permit numbers: WWBZ-2025-0213, -0225, and -0038: The Applicant was denied procedural fairness as he is a rights holder of land over which the subject permit intersects. The Minister exceeded its jurisdiction when it failed to consider rights of ways that are implicated in the subject permits. See attached for further details.

AND FURTHER TAKE NOTICE that in accordance with the provisions of Subsection 29.1(5) of the *Environmental Protection Act* I/we seek the following relief: (use separate page(s) if necessary)

Rescind permits WWBZ-2025-0213, -0225, and -0038. Grant an extension of time to appeal permit WWBZ-2025-0225. Add the City of Charlottetown as a party.

Name(s) of Appellant(s) Hongbo Xia and Mingjie Jiang Signature(s) of Appellant(s) 
Please Print

Mailing Address 7 Colonel Gray Drive City/Town Charlottetown

Province PEI Postal Code C1A 2S4

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Dated the 20 day of November, 2025

- Your appeal **MUST** be received by the Commission within 21 days following the date of the decision.
- Subject to adherence to the rules of natural justice, the Commission shall determine its own procedure.
- The Commission may vary, confirm, or rescind the decision being appealed.
- The initiation of an appeal does **NOT** operate as a stay of the order or decision that is the subject matter of the appeal.

IMPORTANT

Information on this Form is collected pursuant to the *Environmental Protection 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.

This Notice of Appeal pertains to 3 permits, namely:

1. Permit Number WWBZ-2025-0213 for WW and BZ activity, namely replacing a foundation, on property ID 366526 located at 3 Colonel Gray Drive, Charlottetown, PE.
2. Permit Number WWBZ-2025-0225 for WW and BZ activity, namely shoreline stabilization, on property ID 366526 located at 3 Colonel Gray Drive, Charlottetown, PE.
3. Permit Number WWBZ-2025-0038 for WW and BZ activity, namely cantilevering a structure and machinery operating in a buffer zone, on property ID 366526 located at 3 Colonel Gray Drive, Charlottetown, PE.

The three abovementioned permits are hereinafter referred to as the “**subject permits**”.

The Appellants, Hongo Xia and Mingjie Jiang, own 7 Colonel Gray Drive, Charlottetown, PE, a neighboring property to 3 Colonel Gray Drive. The Appellants have a right-of-way that provides shoreline access and intersect the parcel of land located between 3 and 7 Colonel Gray Drive which may have been expropriated to the City of Charlottetown and 3 Colonel Gray Drive.

The subject permits substantially obstructs the Appellant’s right-of-way. The Minister, officer or employee of the Department of Environment, Energy and Climate Action exceeded its jurisdiction in issuing the subject permits as it is not permitted to convey the Appellants’ property rights.

Furthermore, the Appellants were denied procedural fairness. They were owed, at minimum, notice of the permit applications as the subject permits directly impact their property rights.

The Minister, officer or employee of the Department of Environment, Energy and Climate Action erred in law when it issued the subject permits without receiving a Provincial Environmental Impact Assessment approval contrary to the Environmental Protection Order dated January 11, 2023 (“**Moratorium**”).

Finally, the decision to issue the subject permits was unreasonable. Presumably, the subject permits were an exception to the Moratorium; however, the exception was granted prior to the City of Charlottetown awarding a building permit to the owner of 3 Colonel Gray Drive. 3 Colonel Gray Drive may never be awarded a building permit given the configuration of the plot of land and the fact that the City of Charlottetown may have critical infrastructure below the surface of the neighboring plot. To permit development in the buffer zone and degrade the natural habitat without assurance of the potential to build is unreasonable.

The Appellants request an extension of time to appeal Permit Number WWBZ-2025-0225 as they only learned of this permit when the other two permits were issued.


The Appellants request that the City of Charlottetown be named as a party to this appeal as their property rights may be directly impacted.

IN THE MATTER OF an Appeal Pursuant to
Section 29.1 of the Environmental Protection
Act and Section 13 of the Environmental
Protection Act Watercourse and Wetland
Protection Regulations)

DESIGNATION OF ADDRESS FOR SERVICE

Appellant's Name:	Hongbo Xia and Mingjie Jiang
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DATED at Charlottetown, Queens County, Province of Prince Edward Island, this 20th day of
November, 2025.



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