



January 9, 2026

VIA EMAIL

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Emma Donovan
c/o Lisa Donovan
176 Hickeys Wharf Rd
Webster's Corner, PE C1B 3A5
Appellant

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Eugene Lloyd,
Manager, Development Control
Department of Housing, Land & Communities
31 Gordon Drive
Charlottetown, PE C1A 6B8
Respondent

RE: Emma Donovan v. Minister of Housing, Land and Communities

The Prince Edward Island Regulatory and Appeals Commission (the Commission) received a Notice of Appeal on Tuesday, December 23, 2025, from Emma Donovan, care of Lisa Donovan, appealing the decision to deny an application to change the use of PID 433243, located in Websters Corner, PE, from an Industrial (wharf) parcel to a Commercial (rental cottage) use.

A copy of the Notice of Appeal and accompanying material is attached. The accompanying material includes two denial letters, dated October 8, 2025, and October 30, 2025. We understand the Appellant is seeking to appeal the denial letter dated October 30, 2025.

On a review of the Notice of Appeal, it appears to have been filed outside the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

The matter of whether the Notice of Appeal was filed within the timeline goes to the jurisdiction of the Commission and whether the Commission can accept this Notice of Appeal. The Commission has previously held that it is without jurisdiction to hear appeals filed beyond the statutory appeal period and does not have authority to extend the time limit for appeals prescribed in the *Planning Act*.

In a recent decision of the Commission, Order LA25-08 *Montgomery Cavendish Cottages Inc. v. Resort Municipality*, the Commission found that posting public notice of a decision in accordance with subsection 23.1 of the *Planning Act* began the 21-day limitation period.

Therefore, as a preliminary matter, the Commission requests the Minister of Housing, Land and Communities to provide proof of compliance with section 23.1 of the *Planning Act*, including by confirming:

- . the date that notice of the decision was posted on an internet website accessible to the public; and
- . the date that notice of the decision was posted at a location accessible to the public during business hours.

Please also confirm that the content of the notice was compliant with subsection 23.1(3).

The Commission is requesting this confirmation **on or before January 16, 2025**.

Please note that, at this time, we are not requesting a copy of the Minister's complete record with respect to this matter. However, we ask that you please preserve all file information regarding this matter in the event a complete record is requested in the future.

IMPORTANT NOTE: Any questions or concerns can be directed to Michelle Walsh-Doucette by telephone at 902-892-3501 or email at mwalshdoucette@irac.pe.ca.



Michelle Walsh-Doucette
Commission Clerk
Email: mwalshdoucette@irac.pe.ca

C. Mitch O'Shea, Counsel for the Minister of Housing, Land and Communities

Encl: Notice of Appeal, received December 23, 2025