

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.ircac.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 23 day of feb, 2026, wherein the Minister/Community Council made a decision to _____
Application for developing permit denial.

(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)
Purchased land on point Pleasant road - Property ID : 881458 with the understanding that building permit

Purchased land on point Pleasant road - Property ID : 881458 with the understanding that building permit

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)

The culvert for my driveway in running across on a 45 degree angle. The government has the culvert fror

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

Name(s) of Appellant(s): Gary MacKinnon Signature(s) of Appellant(s): _____
Please Print

Mailing Address: 182 Parkwood Cres City/Town: Charlottetown

Province: Prince Edward Island Postal Code: C1A7A7

Email Address: vibe_623@yahoo.ca Telephone: 403-874-4929

Dated this 4 day of March, 2026
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@ircac.pe.ca.

Purchased land on point Pleasant road - Property ID : 881458 with the understanding that building permit was issued by previous owner to build warehouse. So had no issue that my developing permit would be denied.

The culvert for my driveway is running across on a 45 degree angle. The government has the culvert from the right side of the point pleasant road hooking into a culvert crossing to the left side of the road, It diverts water to my driveway culvert and there is no culvert running down the ditch past my driveway to the bridge. Instead all the water from the ditching, from both sides of the roads runs across my land resulting in wet areas .



Housing, Land and Communities

Logement, Terres et Communautés



Land Division
41 Wood Islands Road
PO Box 1500, Montague
Prince Edward Island
Canada C0A 1R0

Division de terres
41, chemin Wood Islands
C.P. 1500, Montague
Île-du-Prince-Édouard
Canada C0A 1R0

2/23/2026

Gary A. MacKinnon
182 Parkwood Cres
Charlottetown, PE C1A 7A7

Dear Applicant:

Subject: Application to establish a Residential (Single-unit) use
Property ID #: 881458
Property Location: Point Pleasant Road, Alma, Kings
Our File References: M-2024-0006

The Department of Housing, Land and Communities has reviewed your application to establish a Residential (Single-unit) use on PID# 881458, Case # M-2024-0006 received on 1/5/2024, located in Alma.

A. The Application

Development Permit: Subject parcel PID#881458, being approximately 2.16 acres in area, is located within the community of Alma, Kings County. The application proposes to construct a single family dwelling.

B. Decision

The subject property is within a geographic area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the subject property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act Subdivision and Development Regulations* and other provincial laws and regulations.

Pursuant to the *Planning Act Subdivision and Development Regulations* subsections 3(2)(a) & (d) and 1(f.3) the above noted application is Denied. The reasons for the denial are explained below.

C. Reasons

The *Planning Act* Subdivision and Development Regulations provide provisions for the development of land with environmentally sensitive features under Section 5.(a). This section indicates that no approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate: (a) where an environmental assessment or an environmental impact statement is performed, as required under the *Environmental Protection Act*, with approval being given pursuant to that Act.

The application was circulated to the Environmental Land Management Section (ELM) of the Department of Environment, Energy and Climate Action and comments were received from that department on 4/16/2024. These comments indicated that “this application as presented should be denied” as this parcel features Wetlands that impact the area available for development. Based on these comments from ELM, it is apparent that the area of the proposed development on PID 881458 is not suitable for development, due to the presence of wetland. Therefore, your application is denied.

Please refer to the *Planning Act* Subdivision and Development Regulations subsections 3(2)((a) (d) and 1(f.3).

***Planning Act* Subdivision and Development Regulations**

3(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would

(a) not conform to these regulations or any other regulations made pursuant to the Act:

(d) have a detrimental impact

1 Definitions

(f.3) “detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to

(i) real property value;

(ii) competition with existing businesses;

(iii) viewscales; or

(iv) development approved pursuant to subsection 9(1) of the Environmental Protection Act;

D. Right of Appeal

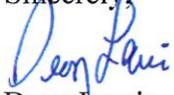
Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing “PEI Planning Decisions” into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission (“IRAC”) (PO Box 577, Charlottetown, PE, C1A

7L1: <http://www.iraac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at dhlewis@gov.pe.ca or (902) 838-0650.

Sincerely,



Dean Lewis
Senior Development Officer

From: [Gary Mackinnon](#)
To: [Appeal Inquiries](#)
Subject: Fw: PID# 881458 Denial Letter
Date: Wednesday, March 4, 2026 1:49:34 PM
Attachments: [M-2024-0006-Denial Letter.pdf](#)

----- Forwarded Message -----

From: Marilyn MacLean <marilynmaclean@gov.pe.ca>
To: vibe_623@yahoo.ca <vibe_623@yahoo.ca>
Sent: Tuesday, February 24, 2026 at 10:37:34 a.m. MST
Subject: PID# 881458 Denial Letter

Please see attached, your denial letter for your development application.

A paper copy will also be sent out in the mail.

Marilyn MacLean

Customer Service Officer
Dept. of Housing, Land and Communities
Province of PEI
41 Wood Island Road, Montague PE
Phone: 902-361-1273
Email: marilynmaclean@gov.pe.ca