

11 March 2026

**VIA EMAIL**

Island Regulatory and Appeals Commission  
National Bank Tower, Suite 501  
134 Kent Street  
Charlottetown, PE C1A 7L1

**Our File: 42415-001**

Dear Ms. Walsh-Doucette:

**RE: LA25009 – Allan Weeks v. Minister of Housing, Land and Communities**

We write further to correspondence from the Commission, in which you requested the Appellant, Allan Weeks (“**Mr. Weeks**”, or the “**Appellant**”) to file a Reply to the Record and Preliminary Submissions filed by the Minister of Housing, Land and Communities (the “**Minister**”). Please accept this correspondence as Mr. Weeks’ Reply to the Minister’s Record and Preliminary Submissions.

The Appeal relates to the Minister’s denial of an application by Mr. Weeks to subdivide PID 231399, a 53.1 acre parcel in Mayfield, Queens County, into 37 residential lots. The Record indicates that the same subdivision had previously been approved by the Minister in 2007, with three extensions granted.<sup>1</sup>

The Appellant’s grounds of appeal assert that the Minister failed to apply sound planning principles in denying a subdivision which had previously been approved.

The Appellant challenges the Minister’s position that the proposed development constitutes “*premature development*” under section 3(1)(b) of the *Subdivision and Development Regulations*, PEI Reg EC693/00 (the “**Regulations**”).<sup>2</sup> Indeed, section 3(1)(b) of the *Regulations* precluded subdivisions that would constitute “*premature development*” in 2007 when the subdivision was originally approved.<sup>3</sup> It is unclear on the record what justifies the determination that the subdivision did not constitute “*premature development*” in 2007 or on the three occasions when subdivision approval was extended, but does constitute “*premature development*” in 2025.

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<sup>1</sup> Minister’s Preliminary Submissions dated 7 August 2025 at para 4.

<sup>2</sup> Minister’s Preliminary Submissions dated 7 August 2025 at para 31. Planning Report of Alex O’Hara at page 5, TAB 4A of Minister’s Record.

<sup>3</sup> [Subdivision and Development Regulations, PEI Reg EC693/00 \(past version in force between 2006-05-18 and 2007-04-10\)](#).

The Record does not appear to reflect that the sound planning principles applicable to subdivisions, in particular those set out at section 13 of the *Subdivision and Development Regulations*, PEI Reg EC693/00, were considered in Alex O'Hara's Planning Report or on the record generally.<sup>4</sup>

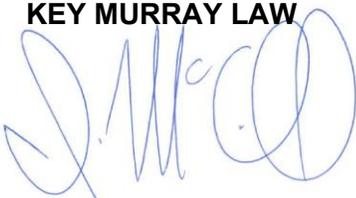
While the Minister notes that the record does not appear to reflect that the site plan submitted by Mr. Weeks included the stormwater drainage pattern for the lots, there does not appear to be any correspondence with Mr. Weeks following the 2024 revival of his application whereby this incomplete element was raised to his attention. Mr. Weeks ought to have been permitted an opportunity to address this incomplete element prior to his application being denied. In other words, the Minister ought not to render a decision on an incomplete application in the absence of providing a reasonable opportunity for the applicant to complete the application.

Ultimately, the Minister's position appears to be largely based on the 2021 amendment of section 2.1 to the *Planning Act*, which outlines "*Provincial Interests*" such as the protection and conservation of resource lands.<sup>5</sup> Indeed, much of the content of Mr. O'Hara's report is based on his view of these "*Provincial Interests*".<sup>6</sup>

The Minister notes, however, that Mr. Weeks was permitted to "*revive*" his original 2007 subdivision application instead of submitting a new application when he sought approval in 2024.<sup>7</sup> The Minister notes that this was "*a bit out of the ordinary in terms of process*".<sup>8</sup> Mr. Weeks relies on the common law principle of the presumption of vested rights, given that the Minister allowed him to "*revive*" his 2007 application rather than requiring a new application. Mr. Weeks submits that his application ought to be determined in accordance with the substantive planning law as it existed when the application was originally submitted. In other words, the substantive planning law applicable to Mr. Weeks' application predates the amendments to the *Planning Act* which required consideration of "*Provincial Interests*".

Mr. Weeks reserves the right to present additional evidence and argument at a hearing of this matter.

Yours very truly,  
**KEY MURRAY LAW**



Iain M. McCarvill, JD, LL.M

cc. Client

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<sup>4</sup> Planning Report of Alex O'Hara, TAB 4A of Minister's Record.

<sup>5</sup> *Planning Act*, RSPEI 1988, c P-8, at s. 2.1.

<sup>6</sup> Planning Report of Alex O'Hara, TAB 4A of Minister's Record.

<sup>7</sup> Minister's Preliminary Submissions dated 7 August 2025 at para 28.

<sup>8</sup> Minister's Preliminary Submissions dated 7 August 2025 at para 28.