

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to section 28 of the *Planning Act*, RSPEI 1988 c P-8, by Gary MacKinnon with respect to the denial of a development permit application to construct a single unit dwelling on PID# 881458 located on the Point Pleasant Road, Alma, Kings County, Prince Edward Island

**RECORD OF DECISION PREPARED BY
THE MINISTER OF LAND AND ENVIRONMENT**

Christiana Tweedy
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Lawyer for the Minister of
Land and Environment**

Gary MacKinnon
182 Parkwood Crescent
Charlottetown, PE
C1A 7A7

Appellant

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<u>Tab</u>	<u>Description of Record</u>
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- | | |
|----|--|
| 1. | Decision of the Minister denying the development permit application, dated February 23, 2026 |
| 2. | Notice of Appeal received by IRAC March 4, 2026 and attachment |
| 3. | Development Permit Application M-2024-0006 received January 12, 2024, and attached Application Sketches for PID #881458 |
| 4. | Pre-Development and Subdivision Inspection Report |
| 5. | Property Inquiry Coordinator (PIC) Checklist dated February 7, 2024 |
| 6. | Letter from Kenneth Lecky to Dean Carroll and Dale Thompson dated November 26, 2024 |
| 7. | Letter to Kenneth Lecky from Christiana Tweedy dated February 26, 2025 |
| 8. | Interdepartmental Communications: <ul style="list-style-type: none">A. Email correspondence between Cindy MacMillan and Matt Langile/Road Audit dated February 7, 2024, and February 13, 2024B. Email from Dean Carroll to Dale Thompson, Environmental Land Management, Jeff Sampson and Highway Access dated February 8, 2024, and email response from Jeff Sampson dated February 15, 2024C. Email from Dean Carroll to Dale Thompson, Environmental Land Management, Jeff Sampson and Highway Access dated February 8, 2024, and email response from Dale Thompson dated June 20, 2024D. Email correspondence between Scott Gamble, Dean Carroll and Dean Lewis dated May 13/14, 2024E. Interoffice Memorandum from Dale Thompson to Dean Carroll dated August 2, 2024 |
| 9. | Other: <ul style="list-style-type: none">A. Development Permit No. M-2022-0182 issued July 22, 2022B. Deed of Conveyance registered as Doc # 2629 on December 15, 2023C. Geomatics – property information sheets generated on January 15, 2024D. Environment Map generated on January 15, 2024E. LIS Database Search Results generated on January 15, 2024F. Google Maps Image generated on January 15, 2024G. SSO Maps generated on January 15, 2024 and February 7, 2024H. Subdivisions Site Assessment Print dated February 8, 2024I. Field Data Sheet for Determination of Wetland Status/Boundary dated June 18, 2024J. Wetland Edge Coordinates dated June 18, 2024K. Site visit photos taken by David Dowling on June 18, 2024L. Cindy MacMillan and Dean Carroll handwritten notes – multiple dates |

10. 2008 Subdivision Application:
 - A. Application for Permission to Subdivide Land/Change of Use received July 23, 2008
 - B. Geomatics – property information sheets generated July 24, 2008
 - C. Memorandum from Leland Wood to Jay Carr dated July 24, 2008
 - D. LIS Database Search Results generated on July 25, 2008
 - E. Interoffice Memorandum from Jay Carr to Leland Wood dated August 11, 2008
 - F. Email from Jay Carr to Leland Wood dated August 18, 2008
 - G. Pre-Development Inspection Report dated October 20, 2008
 - H. Letter from Leland Wood to Michael Hopkins dated October 20, 2008 enclosing the approved subdivision plan
 - I. Map Layers: 2000 Orth, Soil, PID, wetlands, rivers & lakes

TAB

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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) viewsapes; 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

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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 _____ (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 for

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@irac.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 .

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Development Permit Application

M-2024-0006

PAID Denied
Prince Edward Island
 CANADA

JAN 05 2024
 3250.⁰⁰
 Receipt # 1542

Where you live will determine what Development Permit Application you will need to complete.

If you live **outside** of a municipal area, you will need to complete this application. As per the **Provincial PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS**, no person shall, without first obtaining a development permit:

- commence the construction of any building or structure;
- locate any building or structure, or change the location of any building or structure on a lot;
- make any structural alterations that will change the exterior dimensions of any building or structure;
- change the use of any building or structure or land, or part thereof; or intensify any non-conforming use;
- locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided; or create a mobile home park

RECEIVED
JAN 12 2024

Office Use Only	
Sub. Case File #:	
Permit #:	
PID#:	
Permit Fee:	
Received:	
PIC Verified:	<input checked="" type="checkbox"/> FEB 7/24 OL

If you live **inside** a Municipal Area with planning authority you will need to apply for a **Development Permit from that local Municipal Office**.

Are you wanting to subdivide your parcel of land into smaller lots or change the official use of the property? If **yes**, you are required to complete the **Subdivision of Land/Change of Use Application** before completing this Development Permit Application and any Building Permit Applications.

Property Information: **881458**

Property Tax Number: 881458	Lot Number - if applicable: 2008-1
Civic Address Number:	Street Name: PT Pleasant RD

Property Owner Information:

Full Legal Name: GARY AUGUSTINE MACKINDON		
Company Name:		
Street Address: 182 PARKWOOD CRE		
Community: Ch. town	Province: P.E.I	Postal Code: C1A 7A7
Email: Vibe-623@YA.HOO.CA	Phone: 403 874-4829	

Applicant Information if different from Owner:

Full Legal Name:		
Company Name:		
Street Address:		
Community:	Province:	Postal Code:
Email:	Phone:	

M-2024-0006

What is the property currently used for?

- Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Vacant Other: _____

Will the proposed development require the creation of a new driveway or the relocation of an existing driveway to the road/highway? Yes No

How will the new proposed structure receive sewer services?

- New on-site septic wastewater system Existing on-site system
 Municipal wastewater treatment Private central wastewater treatment

Describe the current land use in detail. If the property is used for a livestock operation, include the type of livestock, the number of animals, whether there is a manure storage facility, and complete and attach a "Project Information Form - Commercial Livestock Operations".

Single Family Home

Are there existing buildings on the property? Yes No

Please describe the use of each building in detail:

What type of development or activity are you proposing? Please check all that apply:

- New detached structure Addition to existing structure Relocation of structure
 Change the use of existing structure

What will the proposed development be used for? Please check all that apply:

- Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Other: _____

Will the proposed structure be the main structure on the property? Yes No

Please describe how the proposed structure will be used in detail:

As single family home

What are the dimensions of the structure that you are proposing?

Width (ft):	36	Number of Storeys:	Single
Depth (ft):	32	Main Floor Area (ft ²):	1152
Height of Structure:	1	Total Floor Area (ft ²):	1152

What type of foundation are you proposing for the structure?

Standard Concrete Insulated Concrete Form (ICF) Wood Posts Other: _____

What siding material are you proposing for the structure? metal

What roofing material are you proposing for the structure? metal

If your proposed development is Multi-unit residential, how many units are you proposing? 1

If your proposed development is Industrial, Commercial, Institutional, Recreational or Home-Based Business please answer the following:

- What will be the hours of operation? _____
- How many staff are you intending on having at his location? _____
- Will there be onsite parking for staff? Yes No N/A
- Will there be shipping and/or receiving operations? Yes No N/A

Describe in detail the Industrial, Commercial, Institutional, Recreational or Home-Based Business operations you will be undertaking at this site:

Please provide the name, email and phone number for the various individuals that will be involved in your proposed development:

	Name	Email Address	Phone Number
Surveyor:			
Site Assessor:			
Septic Contractor:	<u>MacRae & Sons, LTD</u>		<u>902-962-2230</u>
Lawyer:			
Engineer:			

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies. Staff may also carry out a site inspection.

Declaration

I, Deey M hereby certify that I am (select one)

the registered owner of the land proposed for development

authorized to act on behalf of the registered owner of the land proposed for development

and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Development Permit Application to proceed. This documented proof must be supplied at time of application.

<u>Deey M</u>

Date <u>01/02/2024</u>
Date
Date

Applicant:

<u>Deey M</u>

Date <u>01/02/2024</u>

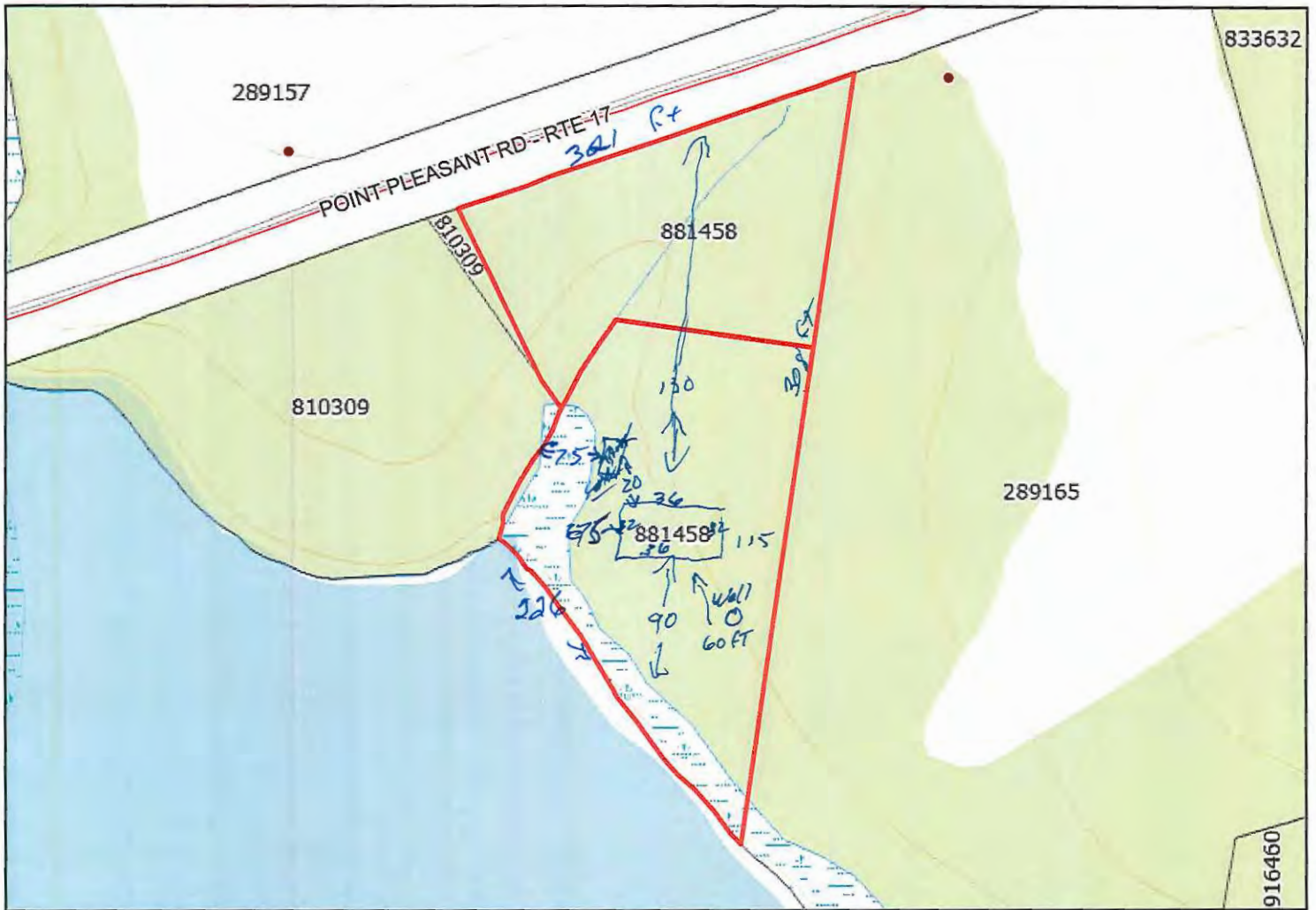
Submit Applications To:

- Land Division – 31 Gordon Drive, Charlottetown, PE
- Access PEI O’Leary – 45 East Dr, O’Leary, PE
- Access PEI Summerside – 120 Heather Moyse Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

Office Use Only	
DEVELOPMENT PERMIT FEES	
Residential (\$250)	= _____
Industrial/Commercial/Institutional/Recreational (\$600)	= _____
Resource (\$500)	= _____
Other Applicable Fees _____	= _____
Total _____	= _____

Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landdivision@gov.pe.ca for more information.

PROPERTY INFORMATION



CREATED ON 2024-01-15 11:02 AM

PARCEL NUMBER

881458

SCALE

1:1,554

ACREAGE

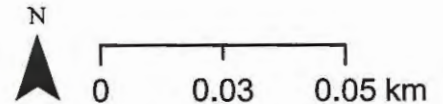
2.16

OWNER

GARY MACKINNON

ADDRESS

ALMA



DISCLAIMER: Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

**GOVERNMENT OF PRINCE EDWARD ISLAND
DEPARTMENT OF FINANCE
TAXATION AND PROPERTY RECORDS DIVISION**

95 Rochford Street
1st Floor Shaw Building - South
Charlottetown, PE C1A 7N8

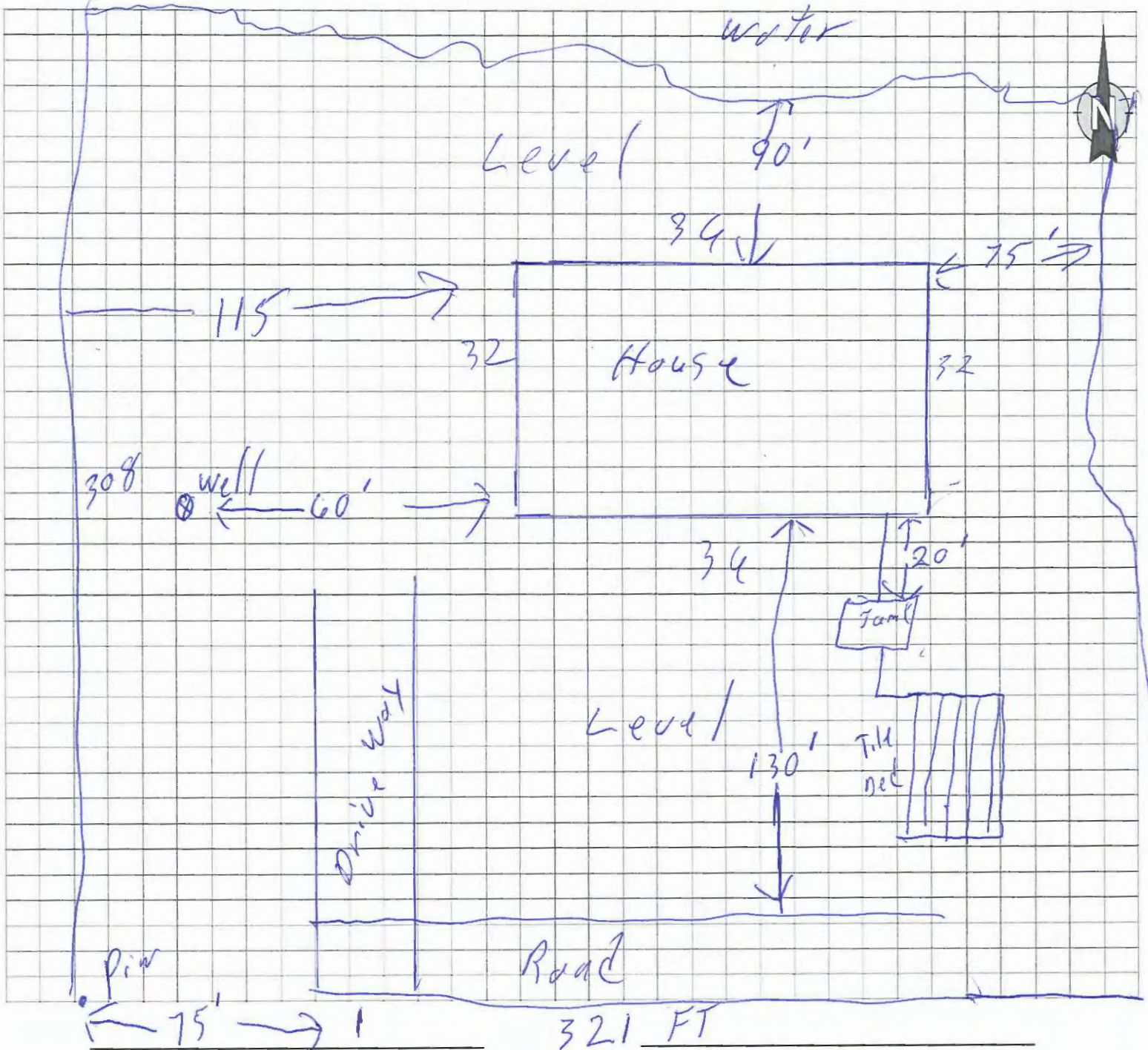
Office: (902) 368-4070
Fax: (902) 368-6164
taxandland@gov.pe.ca

Development Permit Application Sketch

Pursuant to the Planning Act

This sketch is required as part of the Development Permit Application and needs to include the following:

- All Property lines with their lengths (in ft)
- Road(s), including their name(s)
- All Buildings with their sizes listed (in ft)
- Distance from centre of road to building (in ft) (140)
- Distance from buildings to property lines (in ft) (115)
- Distance from septic tank/field to property lines (in ft) (75)
- Distance from well to building (in ft) (60)
- Show any watercourse, wetlands, top of bank, or sand dune located on the property
- Distances from watercourse, top of bank, or sand dune to any structures (building or septic) (in ft) (180)
- Arrow showing the natural slope of the land
- Distance from the centre of driveway to the nearest neighbouring property line (in ft) (80)
- Distance between well and septic system (in ft) (125)



Property Owner's Signature or Applicant
Bay m

Date
 01/02/24

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PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(updated May 22-13)

This form is to be used for ALL development and subdivision files. If an existing file does not have a similar report included in the file, one must be created for it.

Section 1 - General Information

APPLICANT: Gary MacKinnon
SUBDIVISION CASE #
PROPERTY # 5861456

LOCATION: Alma
DEVELOPMENT PERMIT # M-2024-0006
DATE OF INSPECTION:

Section 2 - Property Information

- a) Is the property identified? Attach confirmation. [X] No [] Yes
b) Is the property in a Special Planning Area? [X] No [] Yes
c) Is the property in a municipality with its own official plans and bylaws? [X] No [] Yes
d) The property has a: [] stream [X] wetland [] watercourse [] pond
[] primary sand dune [] secondary sand dune [] Other:
e) Are there any existing structures on the property? [X] No [] Yes (sketch)
f) Existing land use Vacant Proposed land use Residential
g) Has the coastal erosion rate been checked? [] NA [] No [] Yes (attach)

Section 3 - Soil Categorization

- a) What is the soil categorization? III
b) Previously Assessed? Yes Case# Assumed Permeable Soil
Assessor Roger MacLeod Registered Document 11841
Notes: KSSA-2022-129

Section 4 - Highway Information

- a) Name of highway Point Pleasant RD Route No. 17
b) Highway classification [] Arterial [] Arterial 2 [] Seasonal [] Collector
[X] C1 [] C2 [] C3 [] Non-Essential
[] Heritage [] Private ROW [] Subdivision Road
[] Other
c) How many lanes? [] one [X] two [] more than 2
d) Is an Entrance way permit required? [X] No [] Yes
e) Highway access (culvert) [] new culvert required [X] use existing entrance [] re-locate existing entrance
f) Does the proposed entrance way meet the sight distance requirements? [] No [] Yes [] NA
g) Special Conditions:

h) TIR comments (if applicable):

Section 5 – Building Information (building permits only)

- a) Will the proposal meet the minimum building setbacks? No Yes
- b) Will a variance be required? No Yes

Section 6 – Sketch

This area can be used to show features of the property (e.g. slope direction, surface drainage, structures, lot layouts, special features, etc.)

Section 7 – Notes

Notes: Approved lot - See Case #62103A (Lot 20058-1)

Section 8 – Subdivision Information (subdivisions only)

- a) Does the Duty to Consult Policy Apply? No Yes
- b) Has the property been previously subdivided? No Yes
- c) Is a survey required? No Yes
- d) Immediately prior to final approval, has the identification status been confirmed (attach confirmation)? No Yes

Section 9 – Status and Sign Off

Copies of the application have been sent to the following for comment:

- Planning TIR (transportation) Quality Tourism Fire Marshall
- Environment Coastal Erosion/Flood Risk _____

Officer

Date

TAB

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Property Inquiry Coordinator (PIC) Checklist

Scheduled Discovery Meeting Time:

Applicant Information:

Full Legal Name: Gary MacKinnon		
Company Name:		
Street Address: 182 Parkwood Crescent		
Community: Charlottetown	Province: PE	Postal Code: C1A 7A7
Email: vibe_623@yahoo.ca	Phone: 403-874-4929	

Property Information – Client Provided:

Property Tax Number:	881458	Parent Parcel:	289165	Lot Number - if applicable:	
Civic Address Number:	N/A	Street Name:	Point Pleasant Road		
Route No:	17	Community:	Alma		

Property Owner Information – if different from Applicant Information:

Full Legal Name:		
Company Name:		
Street Address:		
Community:	Province:	Postal Code:
Email:	Phone:	

Property Information – Meeting Preparation/Client File Review:

Is the property in a municipality with its own official plans and bylaws? (Review PDO Community List)		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Case File #s (ENVIRO)	62103, 18692B		
Is the Property Identified? (Attach IRAC Confirmation)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Is the property in a Special Planning Area? (Flexview)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Is this an APPROVED lot? (Deed in Geolinc or Enviro)	Is this an EXISTING lot? (Excel Sheet)		
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Does the property have a? (Flexview)	<input type="checkbox"/> Stream <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Watercourse <input type="checkbox"/> Pond <input type="checkbox"/> Sand Dune <input type="checkbox"/> None of the above		
Does the PID have any identified "Imperfect/Poorly Drained" area on this Env. Map (Web Mapping Portal (gov.pe.ca))	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes All "Yes" PID's require Env. Review and Comment	
Are there any existing structures on the property? (Flexview)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	

<input type="checkbox"/> Submitted application(s) today			
Scheduled Follow-up Meeting Time:		Date:	
Discovery Meeting Completed by:	Cindy MacMillan	Date:	January 15, 2024

Hand Drawn Property Sketch (At time of submission of application for payment):

Does this file have a hand drawn property sketch?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Are all setbacks requirements met for the sketch?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Are all measurements completed as listed on the	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

Meeting #2 Information:

Did the client complete the items you identified above? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Is the client's application(s) ready to submit? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
If Yes, enter the date submitted:			
If, answered "No" to the above, what did you advise the client to do:			
Meeting #2 Completed by:	Cindy MacMillan	Date:	February 7, 2024

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Kenneth Lecky, BBA, JDemail: kenneth@leckylaw.ca**55 Fitzroy Street
Charlottetown, PE
C1A 1R4****Tel: (902) 370 3227****Fax: (902) 370 2440**

November 26, 2024

To: Dean Carroll
ddcarroll@gov.pe.ca
Access PEI Montague
41 Wood Islands Road
Montague, PE C01 1R0

Cc: Dale Thompson
dethompson@gov.pe.ca
Environmental Assessment Officer
PO Box 2000
Charlottetown, PE C1A 7N8

**RE: "Wetland" Determination re PID 881458
M-2024-0006**

I am legal counsel for Mr. Gary MacKinnon who is the owner of PID 881458, which is a vacant land lot at Point Pleasant / Alma, PE, approximately 2.16 acres in size. Mr. MacKinnon purchased this property in December of 2023. The parcel was approved by the Department of Communities, Cultural Affairs & Labour for single family dwelling use.

Soon after the purchase, Mr. MacKinnon applied for a permit to construct a single-family dwelling.

I am in receipt of an interoffice memorandum from Dale Thompson to Dean Carroll indicating that that property is deemed a "wetland," which memo is dated August 2, 2024.

Various percolation tests were conducted at this property; none revealed any information to suggest that the property would be deemed a "wetland." One such result was dated July 2022, which indicated the property was tested as a category III; another is marked category III in May 2024. As I've already indicated, this property was previously approved for single family dwelling use.

Please advise if your "interoffice memorandum" is a final decision and indicate appeal rights my client has in accordance with the legislation.

I note that the definition of "wetland" in the *Environmental Protection Act* is as follows:

i) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and

(ii) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow;

My client indicates that the property has been cleared for many years, and is mostly shaled. There is no vegetation or marsh areas on much of the parcel according to him, as is required for such a determination above.

I note that the determination that this parcel is completely “wetland” has serious implications on my client; he paid \$98,000 for this property. Government regulation that renders a property unusable may constitute “defacto expropriation.” Recent caselaw of the Supreme Court of Canada suggests that absent clear legislative intent to the contrary, individuals should be compensated for such over regulation.

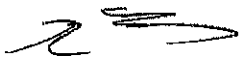
Please share the testing and data conducted to determine that this property is a “wetland” and information as to where on the parcel this testing was conducted.

Are you sure that on a parcel that is 2.16 acres, there is absolutely no area that can be constructed on?

Is there absolutely no reasonable construction that can occur; in other words, development specifically designed in a way consistent with protection of any sensitive areas?

We expect a response on or prior to December 17, 2024, please.

Regards,



Kenneth G. Lecky

TAB

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Prince Edward Island

Justice and
Public Safety

Legal Services
PO Box 2000
Charlottetown PE
Canada C1A 7N8

Île-du-Prince-Édouard

Justice et
Sécurité publique

Services légaux
C.P. 2000
Charlottetown PE
Canada C1A 7N8

February 26, 2025

VIA EMAIL – kenneth@leckylaw.ca

Kenneth Lecky
Lecky Law
55 Fitzroy Street
Charlottetown, PE C1A 1R4

Re: "Wetland" Determination re PID 881458
Our File: LS 27193

This letter is further to your correspondence dated November 26, 2024, and our subsequent email correspondence. I represent the Department of Housing, Land and Communities (the "Department") in relation to your client's, Gary MacKinnon, Development Permit Application dated January 2, 2024 (the "Development Permit Application") for PID 881458 (the "Property").

The Department understands that your correspondence arises from the receipt of the Interoffice Memorandum from Environmental Assessment Officer, Dale Thompson, to Dean Carroll dated August 2, 2024, wherein the Department of Environment, Energy and Climate Action recommended that the Development Permit Application be denied as the Property consists of wetland and is not suitable for development.

The Department acknowledges that the Property was approved as Single Family Dwelling use only on October 20, 2008 as a result of then Property owners, Mr. Hopkins and Ms. Hopkins, applying to append a part of the neighboring parcel to the Property to give the Property the required road frontage to change the Property's use from Summer Cottage to Single Family Dwelling.

Notwithstanding that the Property was approved as Single Family Dwelling use, the assigned use of the Property is not the only consideration taken into account by the Minister when rendering his decision on a development permit application. Further, the assigned use does not necessarily guarantee that an application to develop a single family dwelling will be granted by the Minister where the assigned use of the property is Single Family Dwelling.

Information Enclosed

In response to receiving your correspondence, the Department has collected information in relation to the Property, including documentation in relation to the October 20, 2008, subdivision

approval by the then Department of Communities, Cultural Affairs & Labour. Please find enclosed the following information collected by the Department for your review and consideration:

- Application for Permission to Subdivide Land/Change of Use from Mr. Hopkins received July 23, 2008 (the "Subdivision Application");
- Property Assessment Information Listing generated July 24, 2008;
- PEI Geomatics – property information sheets generated July 21, 2008 to July 24, 2008;
- Memorandum from Leland Wood to Jay Carr dated July 24, 2008;
- LIS Database Search Results generated on July 25, 2008;
- Interoffice Memorandum from Jay Carr to Leland Wood dated August 11, 2008 (the "2008 Interoffice Memorandum");
- Email from Jay Carr to Leland Wood dated August 18, 2008;
- Pre-Development Inspection Report dated October 20, 2008;
- Letter from Leland Wood to Michael Hopkins dated October 20, 2008 enclosing the approved subdivision plan;
- Approved subdivision plan dated October 20, 2008;
- SSO map generated January 15, 2024;
- Environment map generated January 15, 2024;
- Field Data Sheet for Determination of Wetland Status/Boundary dated June 18, 2024;
- Property photos taken by Environment Officer, David Dowling; and
- Interoffice Memorandum from Environmental Assessment Officer, Dale Thompson, to Dean Carroll dated August 2, 2024 (the "2024 Interoffice Memorandum")

2008

As you will note during your review of the above, in 2008, throughout the Department of Communities, Cultural Affairs & Labour and Department of Environment, Energy & Forestry's consideration of the Subdivision Application, the Property was noted to have a watercourse and wetland, with a required buffer area, and was classified as a forested riparian zone. As a result, the 2008 Interoffice Memorandum provided that prior to constructing a crossing over the watercourse on PID 289165, now the Property, the developer must apply for and obtain a watercourse alternation permit. As Mr. Hopkins was putting the driveway east of the watercourse in a previously cleared area, no permits were required from the Department of Environment, Energy & Forestry at that time. Said Department did note that no further clearing adjacent to the watercourse would be allowed on that parcel.

2024

Moving forward to 2024 and the processing of the Development Permit Application, Environment Officer, David Dowling, completed a site visit on the Property on June 18, 2024. Mr. Dowling found that all soil samples taken on the Property were wet and all soil samples for marking the wetland edge contained gleying. The Property has an unmapped wetland throughout. Based on the findings of this site visit and desktop watercourse/wetland assessment, the 2024 Interoffice Memorandum was prepared and later received by your client.

The 2024 Interoffice Memorandum is **not** a final decision. The Minister of Housing, Land and Communities has not yet rendered a decision as to whether to approve or deny the Development Permit Application in accordance with the *Planning Act*, RSPEI 1988, Cap. P-8 (the "Act") and the *Planning Act Subdivision and Development Regulations*, PEI Reg EC693/00 (as amended) (the "Regulations").

Legislation

Subsection 6(c) of the Act provides that the Minister shall generally administer and enforce the Act and its Regulations.

The Regulations apply to all areas of the province, except those municipalities with official plans and bylaws. The Subject Property is located in Point Pleasant, which is an area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the land use and development of the Subject Property is regulated by the Act and Regulations.

Further, the *Watercourse and Wetland Protection Regulations* applies to the protection of areas classified as wetland and/or watercourse, which includes the Property as determined by the Department of Environment, Energy and Climate Change.

Section 2 of the *Watercourse and Wetland Protection Regulations* prohibits, unless with a license or a Watercourse or Wetland Activity Permit, altering or disturbing the ground or vegetation, or constructing or placing, repairing or replacing, demolishing or removing buildings or structures or obstructions of any kind in or on a watercourse or a wetland.

Section 3 of the *Watercourse and Wetland Protection Regulations* also prohibits, unless with a license or a Buffer Zone Activity Permit, altering or disturbing the ground or soil, or constructing or placing, repairing or replacing, demolishing or removing buildings or structures or obstructions of any kind within 15 metres of a watercourse boundary or a wetland boundary.

Based on sections 2 and 3 of the *Watercourse and Wetland Protection Regulations*, a watercourse or wetland, or the ground or soil within 15 metres of a watercourse or wetland boundary, may be altered *only* with a license or Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit.

The Department understands that to date Mr. MacKinnon has not obtained a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit, or a permit pertaining to a combination thereof, as applicable, pursuant to Part VI of the *Watercourse and Wetland Protection Regulations*.

Next Steps

Prior to the Minister rendering a decision on the Development Permit Application, the Department encourages Mr. MacKinnon to contact the Department of Environment, Energy and Climate Change to discuss and obtain more information as to if and where development may be suitable on the Property and/or apply for a Watercourse or Wetland Activity Permit and/or a Buffer Zone Activity Permit, as applicable.

Once Mr. MacKinnon and the Department of Environment, Energy and Climate Change have canvassed options which may be available on the Property, the Minister will consider same, among other considerations set out in the Act and Regulations, when rendering his decision on the Development Permit Application.

Trusting the foregoing is satisfactory; however, if you have questions, please do not hesitate to contact me.

Yours truly,



Christiana Tweedy
Lawyer for the Minister of
Housing, Land and Communities

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TAB

A

Cindy MacMillan

From: RoadAudit
Sent: Tuesday, February 13, 2024 1:37 PM
To: Cindy MacMillan
Subject: RE: PID 881458 - M-2024-0006 MacKinnon Gary

The subject parcel (PID: 881458) is located along the paved portion of Route 17, which is classified as a Local Class 1 Highway [Schedule C-1, Line 1.(14)] in the Highway Access Regulations and would require a stopping sight distance of 140 metres.

Matt Langille, P.Eng.
Asst. Traffic Data Engineer
Transportation & Infrastructure
902-218-0738 (cell)

From: Cindy MacMillan <cindymacmillan@gov.pe.ca>
Sent: Wednesday, February 7, 2024 10:11 AM
To: RoadAudit <roadaudit@gov.pe.ca>
Subject: PID 881458 - M-2024-0006 MacKinnon Gary

Applicant Name: Gary MacKinnon
Civic Address of project property: N/A
Road Name: Point Pleasant Road
Road ID#: 17
PID: 881458

Please find attached the Development Application for the above PID for your reference. Thank you.

Cindy MacMillan
Property Inquiries Coordinator
Dept. of Housing, Land and Communities
Province of PEI
41 Wood Islands Road, Montague, PE
Phone: 902-838-0605
Email: cindymacmillan@gov.pe.ca

TAB

B

Dean Carroll

From: Jeff Sampson
Sent: Thursday, February 15, 2024 2:13 PM
To: Dean Carroll; Dale Thompson; Environmental Land Management; HighwayAccess
Subject: RE: M-2024-0006, PID#881458, Alma, MacKinnon

SSD OK. Looks to be development on the lot already

Jeff Sampson
Traffic Operations Manager, East
PEI Department of Transportation and Infrastructure
(902)368-5102
jjsampson@gov.pe.ca
www.PrinceEdwardIsland.ca
<https://psc.gpei.ca/>

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete it immediately and notify us by telephone. Thank you.

From: Dean Carroll <ddcarroll@gov.pe.ca>
Sent: Thursday, February 8, 2024 12:31 PM
To: Dale Thompson <DETHOMPSON@gov.pe.ca>; Environmental Land Management <ELM@gov.pe.ca>; Jeff Sampson <JJSAMPSON@gov.pe.ca>; HighwayAccess <highwayaccess@gov.pe.ca>
Subject: M-2024-0006, PID#881458, Alma, MacKinnon

Good afternoon,

Please see the attached Development Permit application along with the revised sketch for a new dwelling and provide comments where applicable.

Thank you,

Dean Carroll
Property Development Officer
Dept. of Housing, Land & Communities
Province of PEI
41 Wood Islands Road, Montague, PE
Phone: (902) 838-0639
Email: ddcarroll@gov.pe.ca

TAB

C

Dean Carroll

From: Dale Thompson
Sent: Thursday, June 20, 2024 11:43 AM
To: Dean Carroll
Subject: RE: M-2024-0006, PID#881458, Alma, MacKinnon

Hi Dean,
Staff have looked at the site and determined that this property is not developable due to the presence of an unmapped wetland. **This application should be denied,**
Tks, Dale

Dale Thompson
Environmental Assessment Officer
PEI Department of Environment, Energy and Climate Action
(902)368-5049

From: Dean Carroll <ddcarroll@gov.pe.ca>
Sent: Thursday, February 8, 2024 12:31 PM
To: Dale Thompson <DETHOMPSON@gov.pe.ca>; Environmental Land Management <ELM@gov.pe.ca>; Jeff Sampson <JJSAMPSON@gov.pe.ca>; HighwayAccess <highwayaccess@gov.pe.ca>
Subject: M-2024-0006, PID#881458, Alma, MacKinnon

Good afternoon,

Please see the attached Development Permit application along with the revised sketch for a new dwelling and provide comments where applicable.

Thank you,

Dean Carroll
Property Development Officer
Dept. of Housing, Land & Communities
Province of PEI
41 Wood Islands Road, Montague, PE
Phone: (902) 838-0639
Email: ddcarroll@gov.pe.ca

TAB

D

Dean Carroll

From: Scott Gamble
Sent: Tuesday, May 14, 2024 7:23 AM
To: Dean Carroll
Cc: Dean Lewis
Subject: RE: PID#881458 - Site Suitability Assessment

Hi Dean. That is correct. A category 3 lot with water table does require an engineer designed septic system.

Scott Gamble
On-Site Septic Officer
Department of Environment, Energy, and Climate Action
45 East Dr, PO Box 8
O'Leary, PE
C0B 1V0
902-218-4831

From: Dean Carroll <ddcarroll@gov.pe.ca>
Sent: Monday, May 13, 2024 12:34 PM
To: Scott Gamble <SEGAMBLE@gov.pe.ca>
Cc: Dean Lewis <dhlewis@gov.pe.ca>
Subject: PID#881458 - Site Suitability Assessment

Hey Scott,

I received the attached new SSA for PID#881458 recently, as I have a Development Permit in for this property as well. As far as I understand, with the Depth to Water Table being only 63 cm, the property owner would be required to get a Professional Engineer designed septic system. I just wanted to confirm that with you to ensure that is correct before informing the applicant.

Thank you,

Dean Carroll
Property Development Officer
Dept. of Housing, Land & Communities
Province of PEI
41 Wood Islands Road, Montague, PE
Phone: (902) 838-0639
Email: ddcarroll@gov.pe.ca

TAB E



Environment,
Energy and
Climate Action

Environnement,
Énergie et
Action climatique



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

INTEROFFICE MEMORANDUM

To: Dean Carroll
Subject: M-2024-0006 – MacKinnon, Point Pleasant, PID # 881458
Date: August 2, 2024

The Environmental Land Management (ELM) Section has reviewed the above noted Development Permit Application dated January 2, 2024. We understand that the applicant proposes to construct a 32' x 36' single-family dwelling and associated servicing on PID # 881458.

Based on our understanding of the information provided, a desktop watercourse/wetland assessment (using provincial GIS mapping) and a site inspection by Environment Officer David Dowling, the ELM Section offers the following comments:

1. The entire property consists of wetland and is not suitable for development - **this application should be denied.**

Thank you for submitting the application for review. If you have any questions feel free to contact me at dethompson@gov.pe.ca or (902)368-5049.

Dale Thompson
Environmental Assessment Officer

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TAB

A

Land and Environment



22-Jul-2022

Montague

Development Permit

Issued under the authority of "The Subdivision and Development Regulations"

Permit No. M-2022-0182

Permission is hereby granted to Barry A Callahan, applicant thereof, to construct a (12'x20') non-commercial storage structure on Provincial Parcel Number 881458 Lot 2008-A, located at Point Pleasant Road in the community of Alma (Kings), in accordance with the plans and information submitted, and subject to compliance with the provisions of all regulations under "The Planning Act", governing and affecting the development.

However, this permit does not in any way guarantee or ensure the title of the holder in the property described herein nor does it affect the holders liabilities, rights or privileges of ownership to such property.

This Permit expires twenty four (24) months from the date of issue.

This permit has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, agriculture, commercial, industrial, forestry, tourism, fishing, aquaculture or institutional uses which may influence the use of the site for which the permit has been issued.

Properties located near a watercourse and/or coastline may be subject to erosion and flood hazards. For these properties, a Coastal Hazard Assessment is included as part of the subdivision approval / development permit review process. The information contained in the Coastal Hazard Assessment should be taken into consideration in the design of the proposed subdivision / development.

Issuance of this development permit does not imply any warranty against damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this development permit or which may occur to this development as a result of damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding.

- Subject To:
- 1) The installation of driveways (culverts) on public roads are the sole responsibility of the Department of Transportation, Infrastructure & Energy. A driveway will not be installed until the required fee is paid and a work order issued. Illegal driveways will be removed.
 - 2) Structure being erected in accordance with the approved application sketch.
 - 3) A minimum buffer zone of 15 meters adjacent to the watercourse/wetland. A minimum building setback of 75 feet is also required adjacent to the watercourse/wetland. For information on activities that may occur within the 15 meter buffer, or a delineation as to the extent of the wetland system, please contact 902-368-5049.
 - 4) Note: Additional approvals and/or permits may be required prior to the start of construction. This may include the requirement for a Building Permit and adherence to the National Building Code. For further information, please contact a Building Official at 902-368-5280.

Approved By:

Sarah MacVarish
Senior Development Officer

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B

2629

THIS INDENTURE

Made the 15th day of December in the year of our Lord two thousand and twenty-three (2023)

IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF INDENTURES

BETWEEN:

BARRY CALLAGHAN of Charlottetown, Queens County, Prince Edward Island
and **BEVERLY ELLIOT** of Charlottetown, Queens County, Prince Edward Island
(hereinafter called the "Grantors")

OF THE FIRST PART

AND:

GARY MACKINNON of Calgary, Province of Alberta
(hereinafter called the "Grantee")

OF THE OTHER PART

WITNESSETH that in consideration of ONE (\$1.00) DOLLAR of lawful money of Canada now paid by the Grantee to the Grantors (the receipt whereof is hereby acknowledged), the said Grantors DO grant unto the Grantee, his heirs and assigns, forever, all and singular the lands described in Schedule "A" attached hereto.


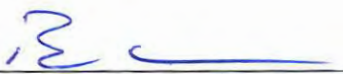
Together with all the rights, privileges, easements, advantages and appurtenances to the said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or enjoyed: TO HAVE AND TO HOLD the said lands and premises with their appurtenances unto and to the use of the Grantee, his heirs and assigns forever


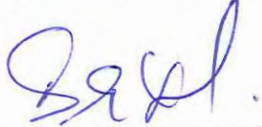
(1) THE SAID GRANTORS COVENANT with the said Grantee. (2) THAT they have the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantors. (3) AND that the said Grantee shall have quiet possession of the said lands (4) FREE from all encumbrances (5) AND the said Grantors covenant with the said Grantee that they will execute such further assurances of the said lands as may be requisite. (6) AND the said Grantors covenant with the said Grantee that they have done no act to encumber the said lands. (7) AND the said Grantors release to the said Grantee all their claims upon the said lands.

The Grantors certify and warrant that they have no knowledge of any buildings on the property containing or having contained asbestos or urea formaldehyde foam insulation.

The Grantors certify and warrant that the conveyance herein is an exempt supply of property as provided in Sections 2 to 5, 8 and 9 of Part I of Schedule V of the *Excise Tax Act* (Canada) and otherwise as provided in the aforesaid act (and therefore no HST is applicable).

IN WITNESS WHEREOF the Grantors have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED & DELIVERED	
 Witness	 BARRY CALLACHAN

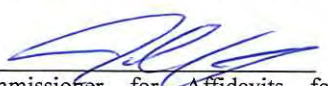

SIGNED, SEALED & DELIVERED	
 Witness	 BEVERLY ELLIOT

AFFIDAVIT OF AGE AND SPOUSAL STATUS

I, BARRY CALLAGHAN of Charlottetown, Queens County, Prince Edward Island, MAKE OATH OR AFFIRM AND SAY AS FOLLOWS:

1. I am one of the Grantors named in the annexed deed and I am at least eighteen (18) years of age.
2. I am not now, and do not intend to be at the time of closing, a non-resident of Canada within the meaning of the *Income Tax Act* (Canada).
3. For the purposes of this my affidavit, "property" means the lands described in the Schedule to the annexed deed, and "Spouse", "Family Home" and "Domestic Contract" have the same meaning as set forth in the *Family Law Act*, RSPEI 1988, c. F-2.1 (the "*Act*") and I have reviewed and understand the said meanings in the *Act*, which are set out below:
"spouse" means an individual who, respect of another person, (i) is married to the other person; or (ii) has entered into a marriage with the other person that is voidable or void. Reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.
"family home" includes: (i) every property in which a married person has an interest and that is or, if the spouses are living separate and apart, was at the time of separation ordinarily occupied by the person and his or her spouse as their family home, and (ii) the ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to occupy a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection (1).
4. The property described in the Schedule to the annexed deed is not now the subject of a Court Order, interim or otherwise, made pursuant to the *Act*. I have no former spouse with a right to possession or other interest in the property described in the Schedule to the annexed deed by reason of a court order or domestic contract pursuant to the *Act*.

5. Please mark (x) appropriate one:
- As of the date hereof, I am not a spouse and at the time of making the encumbrance or conveyance evidenced by the annexed deed, was not a spouse.
- I have a spouse and:
- My spouse is also a Grantor under the annexed deed or is a Grantor for consent only and he/she has executed the annexed deed and I have no other spouse;
 - The property described in the annexed deed has never been occupied by me and my spouse as a family home and I have no other spouse;
 - The property described in the annexed deed is not designated by me and my spouse as a family home under section 21 of the *Act* and an instrument designating another property as a family home of me and my spouse is registered under that section and has not been cancelled, and I have no other spouse;
 - My spouse has released all rights to the property described in the annexed deed pursuant to the *Act* by a domestic contract and I have no other spouse;
 - My spouse is a Grantee under the annexed deed and therefore is receiving an interest in the property under the annexed deed and I have no other spouse.

<p>SWORN TO before me at <u>Charlottetown</u> Prince Edward Island this <u>15th</u> day of December, 2023</p> <p style="text-align: center;"></p> <p>Commissioner for Affidavits for Prince Edward Island</p>	<p style="text-align: center;"></p> <p style="text-align: center;">BARRY CALLAGHAN</p>
---	--

AFFIDAVIT OF AGE AND SPOUSAL STATUS

I, BEVERLY ELLIOT of Charlottetown, Queens County, Prince Edward Island, MAKE OATH OR AFFIRM AND SAY AS FOLLOWS:

1. I am one of the Grantors named in the annexed deed and I am at least eighteen (18) years of age.

2. I am not now, and do not intend to be at the time of closing, a non-resident of Canada within the meaning of the *Income Tax Act* (Canada).

3. For the purposes of this my affidavit, "property" means the lands described in the Schedule to the annexed deed, and "Spouse", "Family Home" and "Domestic Contract" have the same meaning as set forth in the *Family Law Act*, RSPEI 1988, c. F-2.1 (the "*Act*") and I have reviewed and understand the said meanings in the *Act*, which are set out below:

"spouse" means an individual who, respect of another person, (i) is married to the other person; or (ii) has entered into a marriage with the other person that is voidable or void. Reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

"family home" includes: (i) every property in which a married person has an interest and that is or, if the spouses are living separate and apart, was at the time of separation ordinarily occupied by the person and his or her spouse as their family home, and (ii) the ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to occupy a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection (1).

4. The property described in the Schedule to the annexed deed is not now the subject of a Court Order, interim or otherwise, made pursuant to the *Act*. I have no former spouse with a right to possession or other interest in the property described in the Schedule to the annexed deed by reason of a court order or domestic contract pursuant to the *Act*.

5. Please mark (x) appropriate one:

As of the date hereof, I am not a spouse and at the time of making the encumbrance or conveyance evidenced by the annexed deed, was not a spouse.

I have a spouse and:


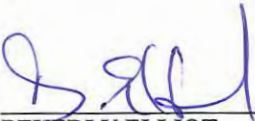
My spouse is also a Grantor under the annexed deed or is a Grantor for consent only and he/she has executed the annexed deed and I have no other spouse;

The property described in the annexed deed has never been occupied by me and my spouse as a family home and I have no other spouse;

The property described in the annexed deed is not designated by me and my spouse as a family home under section 21 of the *Act* and an instrument designating another property as a family home of me and my spouse is registered under that section and has not been cancelled, and I have no other spouse;

My spouse has released all rights to the property described in the annexed deed pursuant to the *Act* by a domestic contract and I have no other spouse;

My spouse is a Grantee under the annexed deed and therefore is receiving an interest in the property under the annexed deed and I have no other spouse.

SWORN TO before me at <u>Charlottetown</u> Prince Edward Island this <u>15</u> day of December, 2023	
 Commissioner for Affidavits for Prince Edward Island	 BEVERLY ELLIOT

SCHEDULE "A"

ALL THAT PARCEL of land situate, lying and being on Lot or Township Number Sixty Three (63) in King's County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at legal survey marker number 118, as shown on a plan showing property of Michael Hopkins and Rhonda Hopkins and a portion of property of Isabelle Leeco, prepared by Delta Surveys - Designer Surveys Inc., dated September 30, 2008 as Drawing Number D-08-243, said point being situate on the Southern boundary of Route 17 - Point Pleasant Road, said point having coordinates E. 614016.91 N. 264450.63;

THENCE azimuth 188° 13' 00" by a line running through property of the Grantor herein for the distance of 217.55 FEET or to found survey marker number 15, situate at the Northeastern angle of property earlier conveyed to Michael Hopkins and Rhonda Hopkins (Book 427, Page 24);

THENCE continuing on the same bearing along the Eastern boundary of same for the distance of 308 FEET or to found survey marker number 16;

THENCE continuing on the same bearing for the distance of 50 FEET a little more or less or to the approximate location of the mean tide level of Greek River;

THENCE by a line following the various courses of same Northwestwardly and Northwardly until it meets the center of a small creek (which feeds into Greek River), said point being at the Southeastern angle of Lot Number 2 shown on the aforesaid plan being property in possession of Kathy Graham (Book 285, Page 12);

CP THENCE by a line following the center of the creek in a Northeastwardly direction until it meets the Eastern angle of the Kathy Graham property;

WR THENCE azimuth 334° 49' 00" (previously and erroneously described as 342° 49' 00") along the Northeastern boundary of same for a distance of 15 FEET to found survey marker number 110;

THENCE azimuth 344° 08' 09" along the Eastern boundary of a small triangular parcel of land (being this date conveyed to Kathy Graham) for the distance of 148.21 FEET or to the legal survey marker number 116, situate on the Southern boundary of the Point Pleasant Road;

THENCE azimuth 70° 45' 00" along same for the distance of 321.71 FEET or to the point at the place of commencement.

The land described herein is shown as Lot 2008-1 which contains 2.2 Acres of land a little more or less and includes the 1.3 Acre parcel earlier conveyed to Michael Hopkins and Rhonda Hopkins in Book 427, Page 24 and Lot 2008-A being 0.9 Acres and being conveyed this date from Isabelle Leeco to Michael Hopkins and Rhonda Hopkins.

BETWEEN:
BARRY CALLAGHAN
BEVERLY ELLIOT

OF THE FIRST PART

AND
GARY MACKINNON

OF THE OTHER PART

**DEED
OF
CONVEYANCE**

Lecky Law
Kenneth G. Lecky
55 Fitzroy Street
Charlottetown, PE
902 370 3227

CERTIFICATE OF REGISTRATION OF
DUPLICATE INSTRUMENT

THIS DOCUMENT has not been examined, but
purports to be a duplicate of an instrument registered

The 18th Day of Dec A.D., 2023, as

Doc # 2629

In Kings County Registry Office

Book 2247

Fee: 231.80

TAB

C

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
881458	289165-000	11L028B3	ALMA	GARY MACKINNON 84 FROBISHER BLVD SE CALGARY AB T2H 1G6
School District:	3094			
Work Unit:	3276			
Lot/Township #:	63			
School Unit #:	4			

Parcel & Lease	Acreage	Assessment Values	Taxable	Designated Taxpayer & Mailing Address
Account Status: A	2.16	Commercial: \$0.00	\$0.00	GARY MACKINNON
Farm Quality: N		Non-Commercial: \$44,500.00	\$44,500.00	CALGARY AB
Municipality: Murray River		Residential: \$0.00	\$0.00	T2H 1G6
Region Number: 4		Farm: \$0.00	\$0.00	Dates
Assessor: REARDON ANDREW		Buildings		Last Inspection:
% in Municip: 100		Line No: Building Type:		Last Owner Chg: 18-DEC-23
Spec Prop Code:				Initially Filed: 26-MAY-00
MHI Number:				Dormant:
Owner ID Code:				
Ownership Code: A02				
Tax Exempt Code:				

Map



Parcel

881458

Original Parcel Number

289165-000

Property Location

--

Owner Name

GARY MACKINNON

Acreage

2.16

Disclaimer

Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

Parcel	Original Parcel Number	Map #	Property Location	Owner Name & Mailing Address
881458	289165-000	11L028B3	ALMA	GARY MACKINNON 84 FROBISHER BLVD SE CALGARY AB T2H 1G6

DOCUMENTS FILED ON PARCEL

Year	Description	Type	Document Number	Liber/Book	Folio/Page	Consideration
2023	DEED	11	2629	2247		\$98,000.00
2022	DEED	11	243	2223		\$50,000.00
2020	DEED	11	917	2199		\$28,900.00
2008	DEED	11	2442	2065		\$0.00
2008	DEED	11	2441	2065		\$0.00
2000	DEED	11	1037	427	24	\$0.00

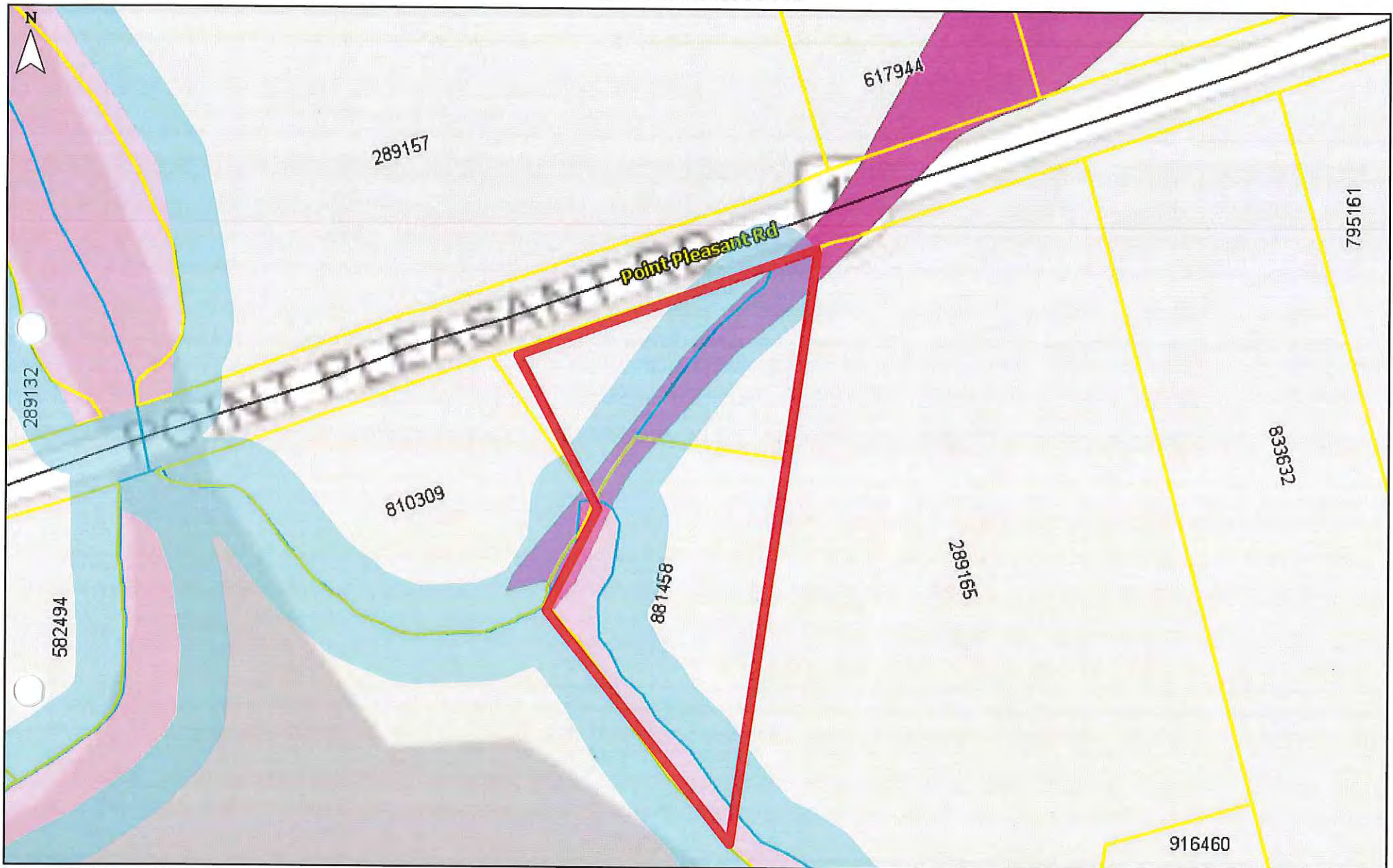
SURVEY PLANS

Parcel Number	Plan
881458	N7 18692B
881458	N7 62103A
881458	N8 11222
881458	N8 33745

TAB

D

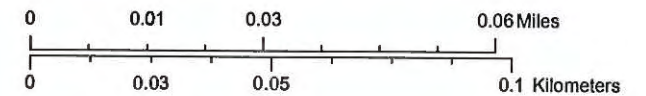
Environment



January 15, 2024 This map is not intended for legal description or to calculate exact land dimensions.

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Statistics Canada

- | | | |
|-----------------------|----------------------------------|-------------------------------|
| Farming Not Permitted | Imperfect | OPEN WATER OR MARSH COMPONENT |
| Highway | Poor | SALT OR BRACKISH MARSH |
| Secondary | Watercourse | SAND DUNE |
| Street | LAND LOCKED POND | Property |
| Unpaved | NO OPEN WATER OR MARSH COMPONENT | |



Scale: 1:2,257

60

TAB E



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Identified Parcel Search Results

PLEASE NOTE:

The Land Information System database is based on information filed as part of applications made under the [Lands Protection Act](#). The Commission does not warrant the accuracy of the information. Without limiting the generality of the foregoing, certain information may have changed after processing the applications including, in some cases, the assignment of new parcel numbers to identified land. The new parcel numbers are not necessarily contained in the database. The database does not include parcels that were identified prior to 1979.

Email questions to: lpqinquiries@irac.pe.ca.

Please enter parcel number (you must enter 6 or 7 digits):

No match found!

TAB

F

Google Maps 6145 Point Pleasant Rd

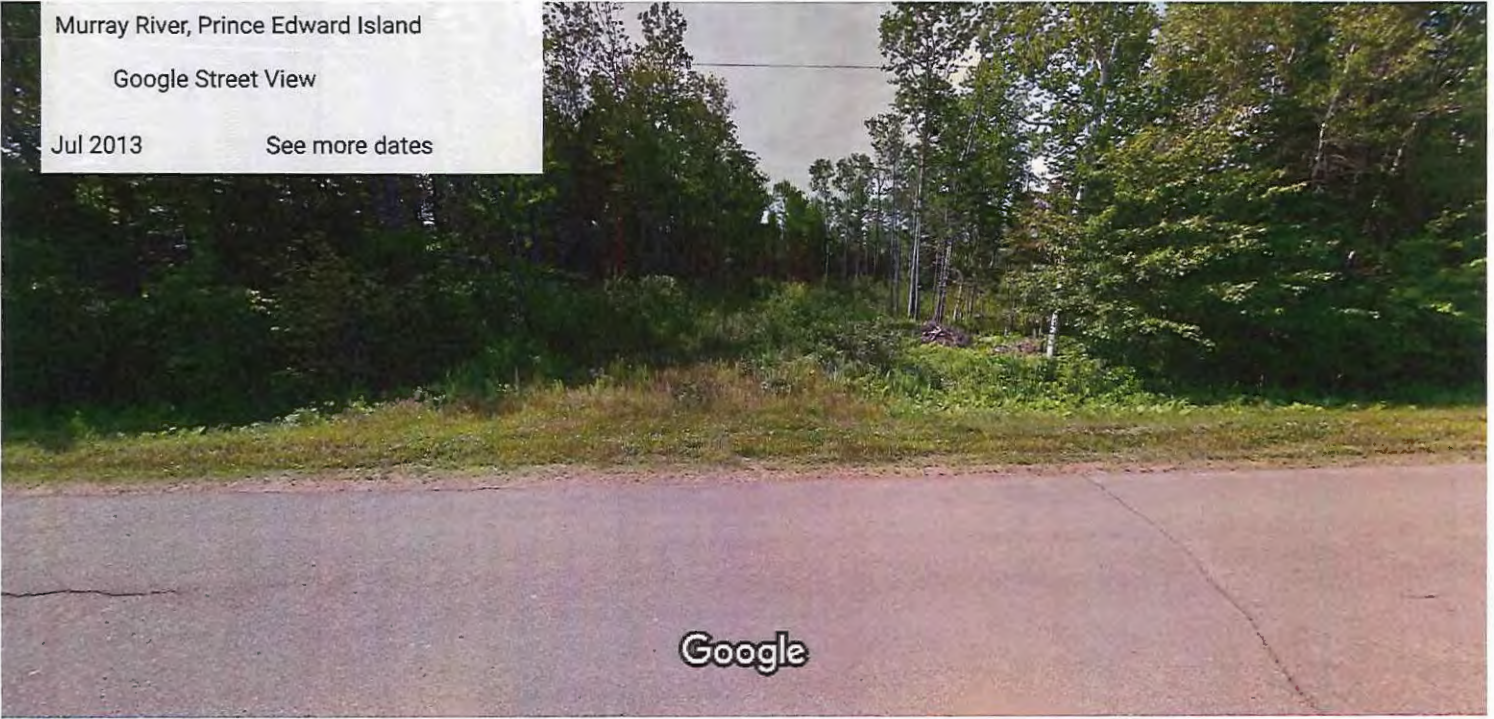


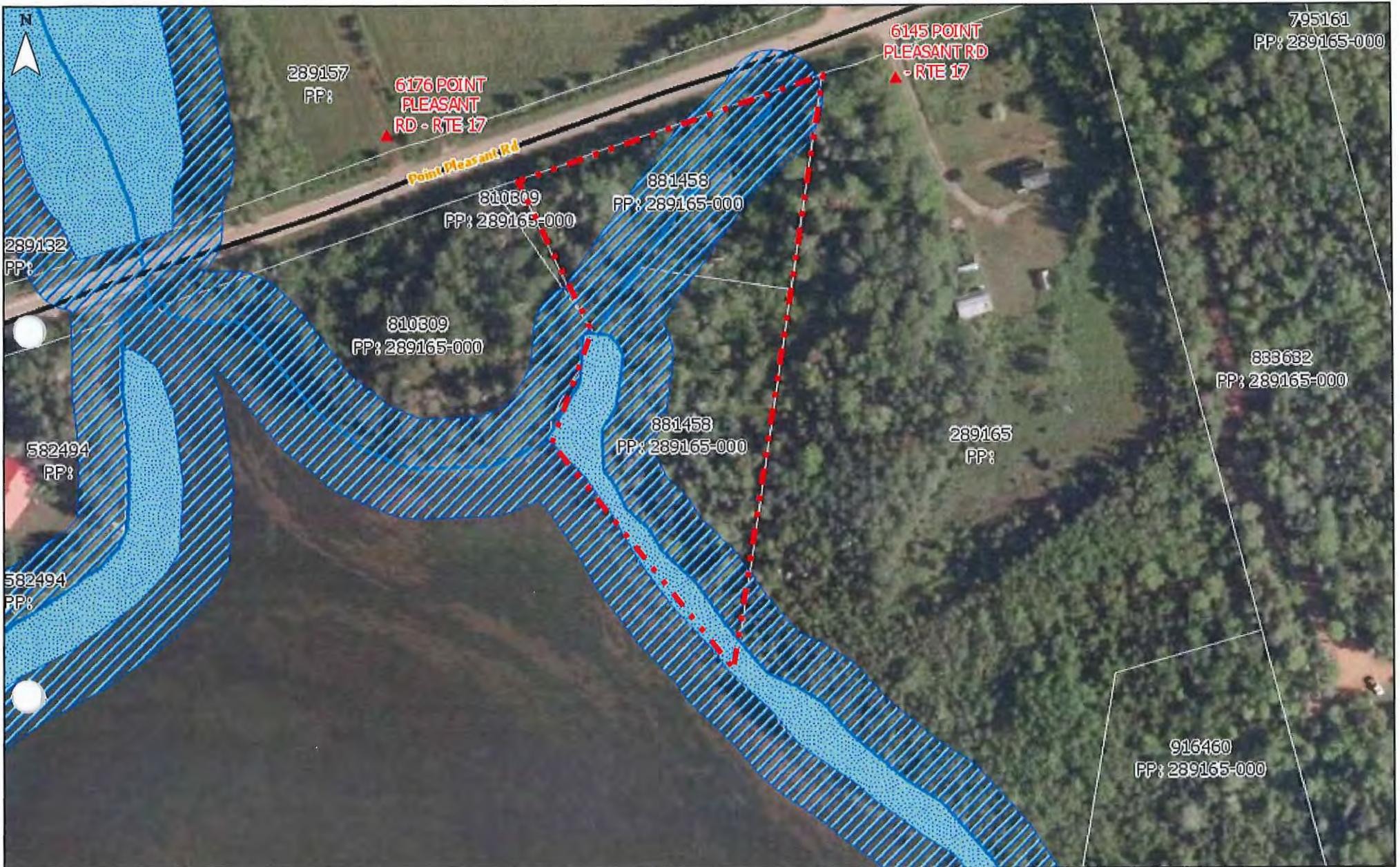
Image capture: Jul 2013 © 2024 Google



TAB

G

SSU

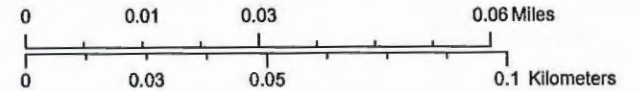


January 15, 2024

This map is not intended for legal description or to calculate exact land dimensions.

Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Statistics Canada

- | | | | | |
|-----------------------|-------------------|-----------|-------------|---------|
| Special Planning Area | Property Boundary | L Access | Resource | Service |
| No | Wetland | Collector | Ramp | Remove |
| Shared | Watercourse | Local 1 | Federal | |
| Yes | Arterial | Local 2 | Private | |
| Civic Address | 2nd Arterial | Local 3 | Residential | |



Scale: 1:2,257

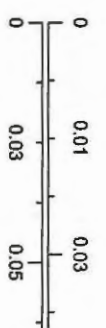
SSU



This map is not intended for legal description or to calculate exact land dimensions.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User C

- | | | | | | | | |
|--|-------------------------|--|--------------|--|----------|--|-------------|
| | No | | Arterial | | Local 2 | | Private |
| | Shared | | 2nd Arterial | | Local 3 | | Residential |
| | Yes | | Trifling | | Seasonal | | Non-Des |
| | Lots under 25000 sq.ft. | | L Access | | Resource | | Service |
| | Historic Properties | | Collector | | Ramp | | Remove |



Scale: 1:2,257

TAB

H



Subdivisions
Site Assessment Print

PID: 881458 Parent PID: 881458
Address: Point Pleasant RD

Assessment Links

Table with 6 columns: Subdivision Case, Building Permit, Septic Permit, Lot #, Proposed Use, Proposed SubUse, Particulars, Category, Soil Depth(cm)

Site Assessment Information

Assessment #: KSSA-2022-129 Reg Document #: 11841
Assigned User: Sarah MacVarish Label:
Assessment Type: Site Suitability Assessment Status: Received
Assessed By: Dixon's Backhoeing
Date Received: 17-Oct-2022 Date Assessed:
Lot Category: III Soil Depth: 0
Latitude: 0.000000 Longitude: 0.000000
Assessment Fee: 300.00 Geolinc Fee: 0.00
Comments:

Applicants

Name: Barry A Callahan
Address: 157 Essex Crescent Charlottetown PEI C1E 0G5
Phone: Cell Phone: (709)280-1285

TAB

I

FIELD DATA SHEET FOR DETERMINATION OF WETLAND STATUS/BOUNDARY

Client Name MacKinnon		HLC file	
PID #(s) 881458		Location Point Pleasant	
Environment Officer David Dowling		Date June 18, 2024	
SOILS			
Drainage		Unit	
Soil characteristics/Indicators or N/A All soil samples for marking the wetland edge contained gleying			
Hydric Soil Present <input checked="" type="radio"/> Y <input type="radio"/> N			
HYDROLOGY			
Hydrology indicators or N/A All samples were wet and this is during drought conditions			
Hydrology Present <input checked="" type="radio"/> Y <input type="radio"/> N			
VEGETATION			
Dominants			
Tree layer	Red maple		
	Black spruce		
	Grey Birch		
Shrub layer			
Herb layer	Lady Slipper		
	Sensitive Fern		
Hydrophytic Vegetation Present <input checked="" type="radio"/> Y <input type="radio"/> N			
Wetland Type (estimate % of each)			
Open water	Deep marsh	Shallow marsh	Salt marsh
Meadow	Bog	<input checked="" type="checkbox"/> Wooded swamp 90/100	Shrub swamp
Seasonally flooded flats		Brackish marsh	
Comments:			
<p>The property has an unmapped wetland throughout the whole property. Wetland soils were present in all samples. The property beside this site has an unmapped wetland. There is fill on the property ranging from 2 ft to 1 ft high. There are trees cut within the buffer zone. While on site the sister of the property owner came on site and said the perk test came back bad, so the perk test failed</p>			

TAB

J

Attach map(s) showing locations of stakes/flags on the ground

Stake/Flag location (wetland boundary, buffer zone, etc)	GPS Coordinates	
	Lat	Long
1 wetland Edge	46.05380	-62.55060
2	46.05426	-62.55043
3	46.05410	-62.55046
4	46.05397	-62.55053
5	46.05428	-62.55067
6	46.05416	-62.55082
7	46.05395	-62.55089
8	46.05390	-62.55092
9	46.05377	-62.55080
10	46.05370	-62.55066
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Attach picture(s) showing wetland indicators, etc

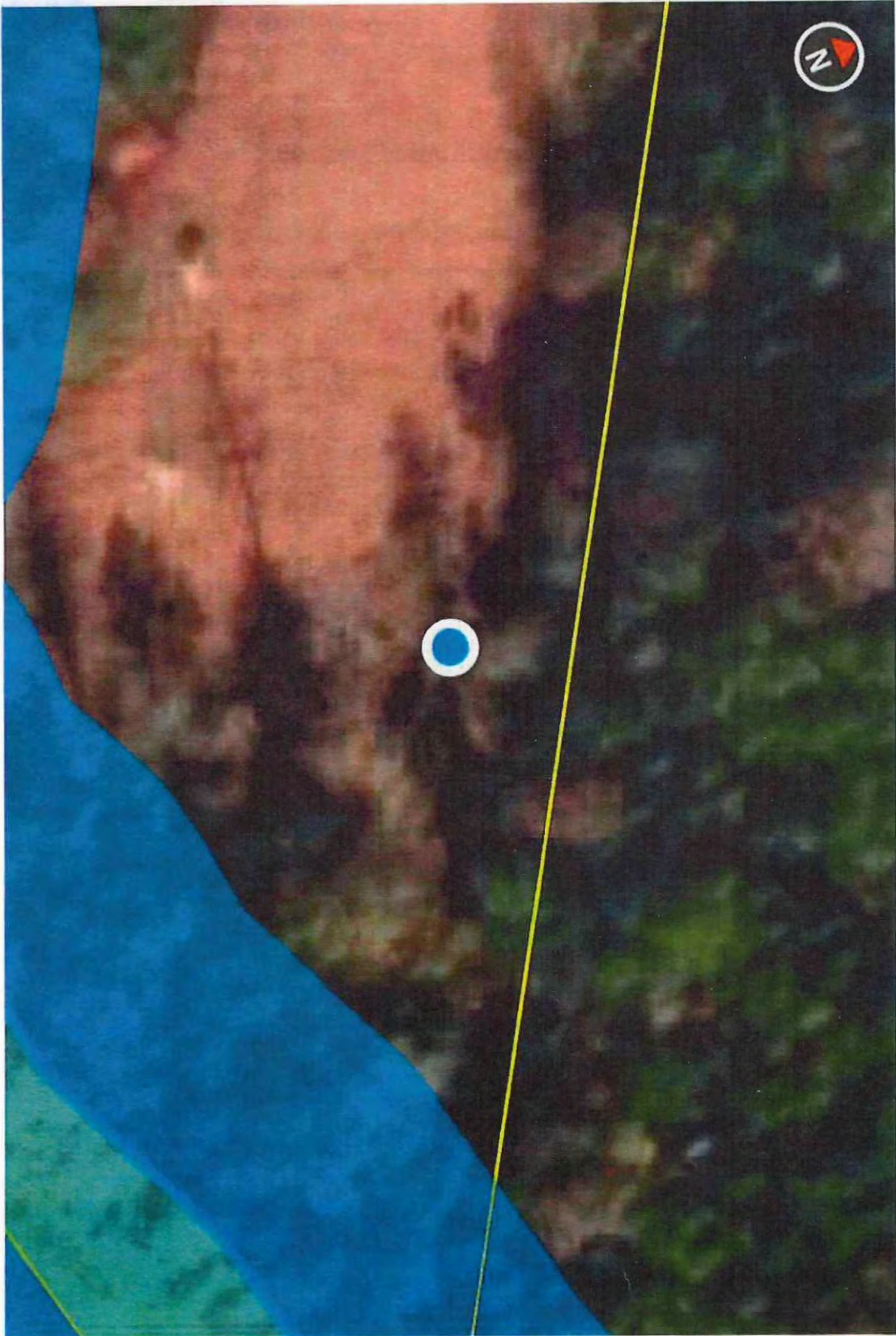
Picture	Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	

Additional Comments:

Signature	Date
<i>Danith Dawling</i>	June 18, 2024

TAB

K

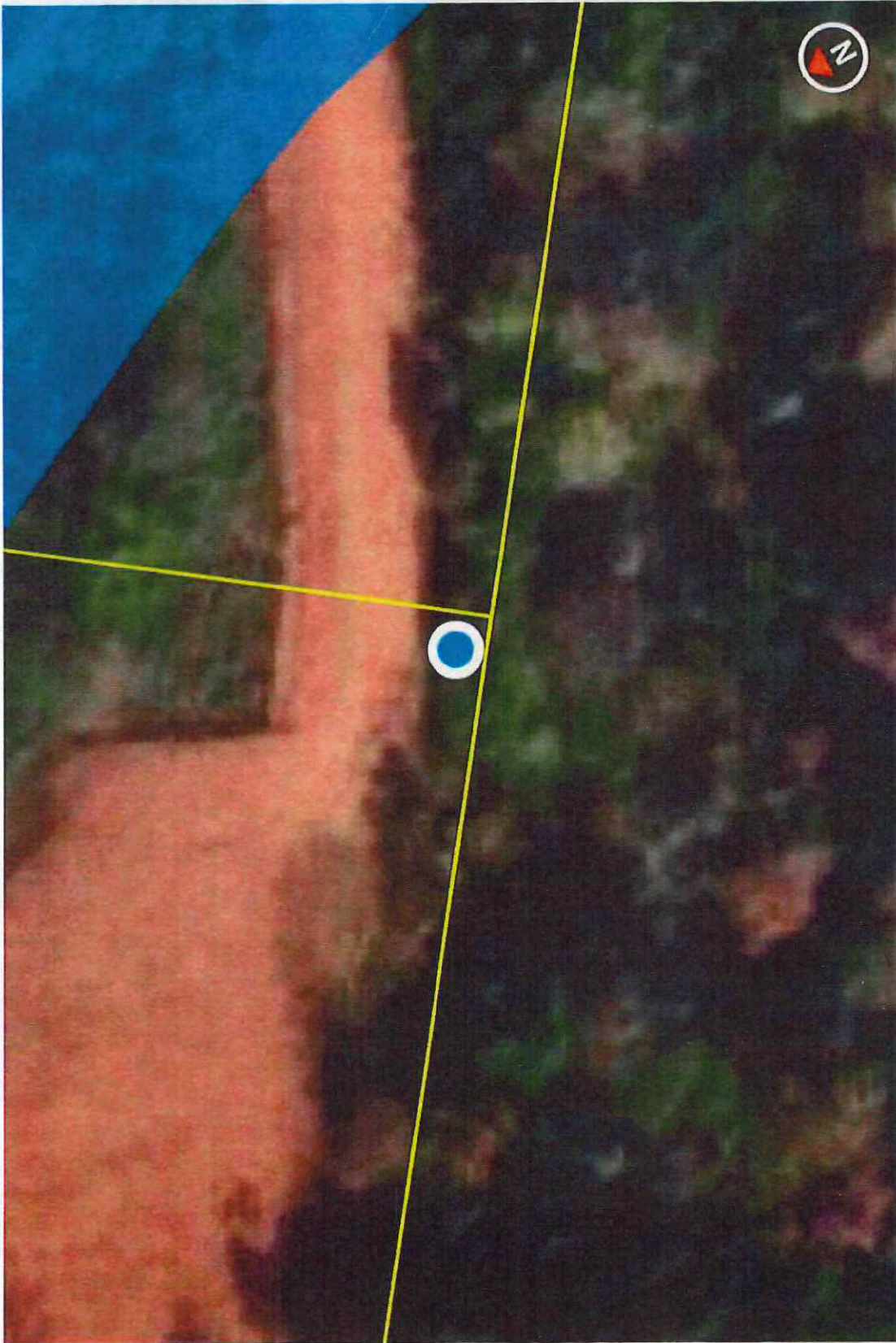


-62.55060, 46.05380





Done



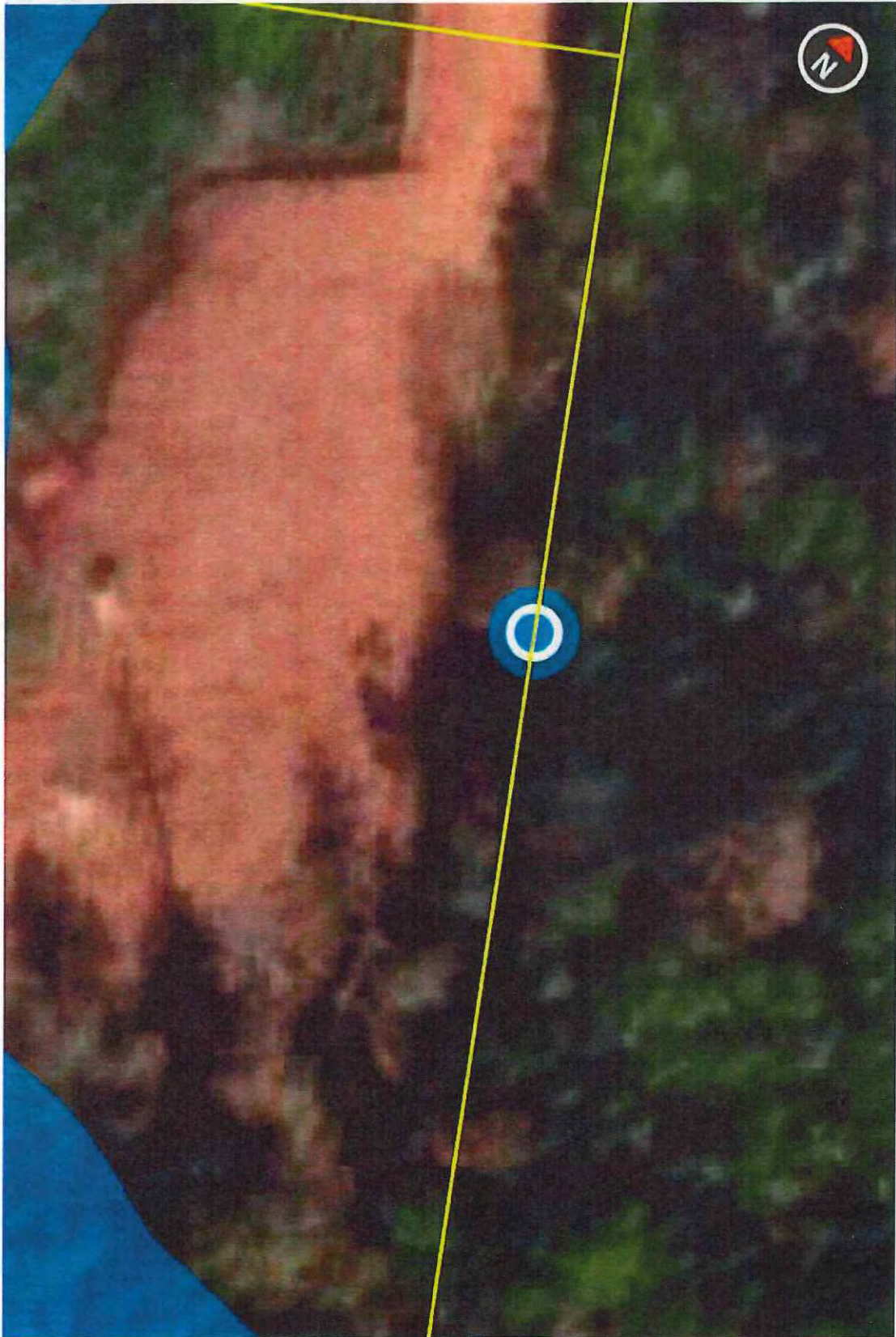
-62.55043, 46.05426



Done



-62.55046, 46.05410









Done

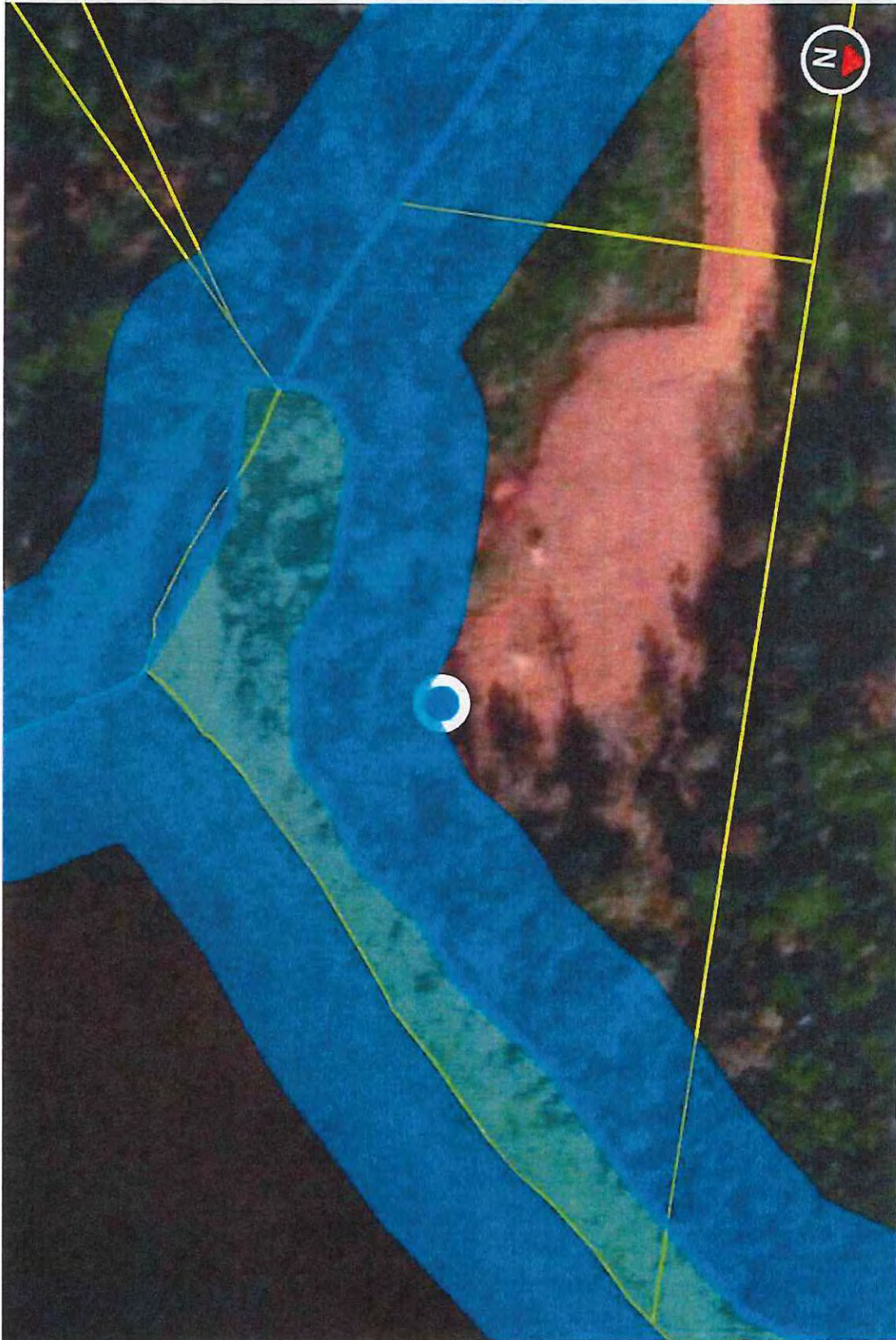


-62.55089, 46.05395





Done



-62.55092, 46.05390



Done



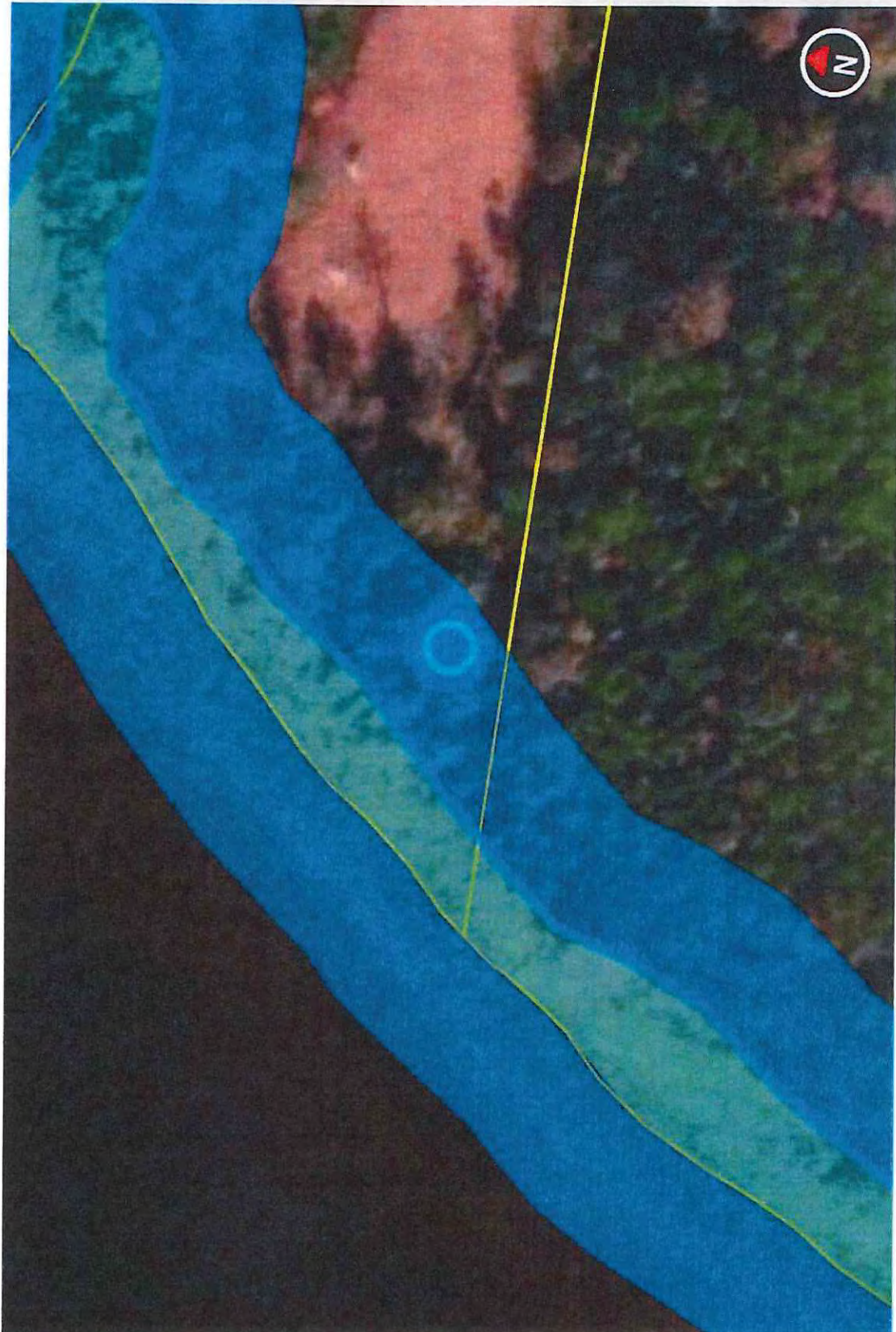
-62.55080, 46.05377







Done



-62.55065, 46.05352



Done



-62.55066, 46.05370













TAB

L

TAB

10

TAB

A



Communities, Cultural Affairs and Labour

100 - Subdivision - Geo

100664

Application for Permission to Subdivide Land / Change of Use the Planning Act

Ins (s) applied
Check site Distance
OK
consolidation

SENT TO
JAY CARROLL
WAITING FOR
PLANS

JUL 23 2008
100664 delit
Miss Montague

62103	
Subdivision Case Number	
Date Received	
Fee Paid	Receipt No.
Received By	PDO Region

Note: Personal information on this application is collected under the Planning Act as it relates directly to and is necessary for the processing of development applications and will be used for the administration of the Planning Act and Regulations. If you have any questions about the collection of personal information, you may contact Garth Carragher, Chief Development Officer, Planning and Inspection Services Division, Department of Communities, Cultural Affairs and Labour, 31 Gordon Drive, PO Box 2000, Charlottetown PE C1A 7N8. Telephone 902-368-4892

The applicant is advised that the approval of the subdivision of land does not imply any obligation on the part of the Government to classify or maintain roads within the subdivision or adjacent to the property upon which the subdivision was approved or to a classification or a standard higher than the classification or standard in force at the time of the subdivision approval, or to provide any service not provided on the date of this application.

- Applicant Information:** Applicants Name: Michael + Rhonda Hopkins
address: Point Pleasant Rd., RR. #1 Murray River postal code: COA 1W0
(H) phone: 962 3794 (W) phone: _____ fax: _____ email: JMichaelHopkins@gmail.com
- Property Information:** Present Land Owner: Isabelle Lecco Property tax no. 289 165
Location (Geolinc) _____ Community name (Inc.) _____
Street name: Point Pleasant Rd. Route no. 17 Civic address: _____ County: Kings
- Existing use of the land (Check ✓)**
single family dwelling () mobile home () institutional () agriculture active ()
duplex dwelling () mini home () recreation () agriculture idle ()
multiple dwelling () commercial () forestry () vacant (✓)
summer cottage () industrial () fisheries () other (explain) _____
- Subdivision Information:** Proposed number of lots: _____
Proposed use of the land: (Check ✓)
single family dwelling (✓) mobile home () institutional () agriculture active ()
duplex dwelling () mini home () recreation () agriculture idle ()
multiple dwelling () commercial () forestry () vacant ()
summer cottage () industrial () fisheries () other (explain) _____
- Correspondence in connection with this application should be addressed to:**
Name: Michael Hopkins if same as above check (✓)
address: _____ postal code: _____

TAB

B

Map #
11L028B3

Property Location
6145 POINT PLEASANT RD - RTE 17
ALMA

Owner Name & Mailing Address
ISABELLE LEECO
42 MACLURE POND RD

MONTAGUE
PE COA 1R0

Prop No:

District: 3094
Site: 3276

Municipality #: 63
Unit #: 4

Areaage
7.76

Assessment Values

Taxable
0

Designated Taxpayer and Mailing Address

Status: A
Unit: N
Municipality: 3909
and Assr: 1
Municip: 100
Prop Code:
Number:
ID Code:
Ship Code:
empt Code:

Murray River
WAKELIN MIKE

ISABELLE LEECO
42 MACLURE POND RD
MONTAGUE
PE
COA 1R0

Assessment Values
Commercial: \$ 81700
Non Commercial: \$ 46900
Residential:
Farm:

No. Farm Qual:
No. Referrals:
No. Transfers:
No. Tax Credits:
No. Building Permits:
No. Appeals:

Dates
Assessment Effective:
Last Inspection: 29-SEP-93
Last Owner Chg: 27-MAY-98
Initially Filed: 01-JAN-00
Domant:

Map #
 111028B3

Property Location
 6145 POINT PLEASANT RD - RTE 17
 ALMA

Owner Name & Mailing Address
 ISABELLE LEECO
 42 MACLURE POND RD

County:

MONTAGUE
 PE COA 1R0

Active
 27-MAY-98

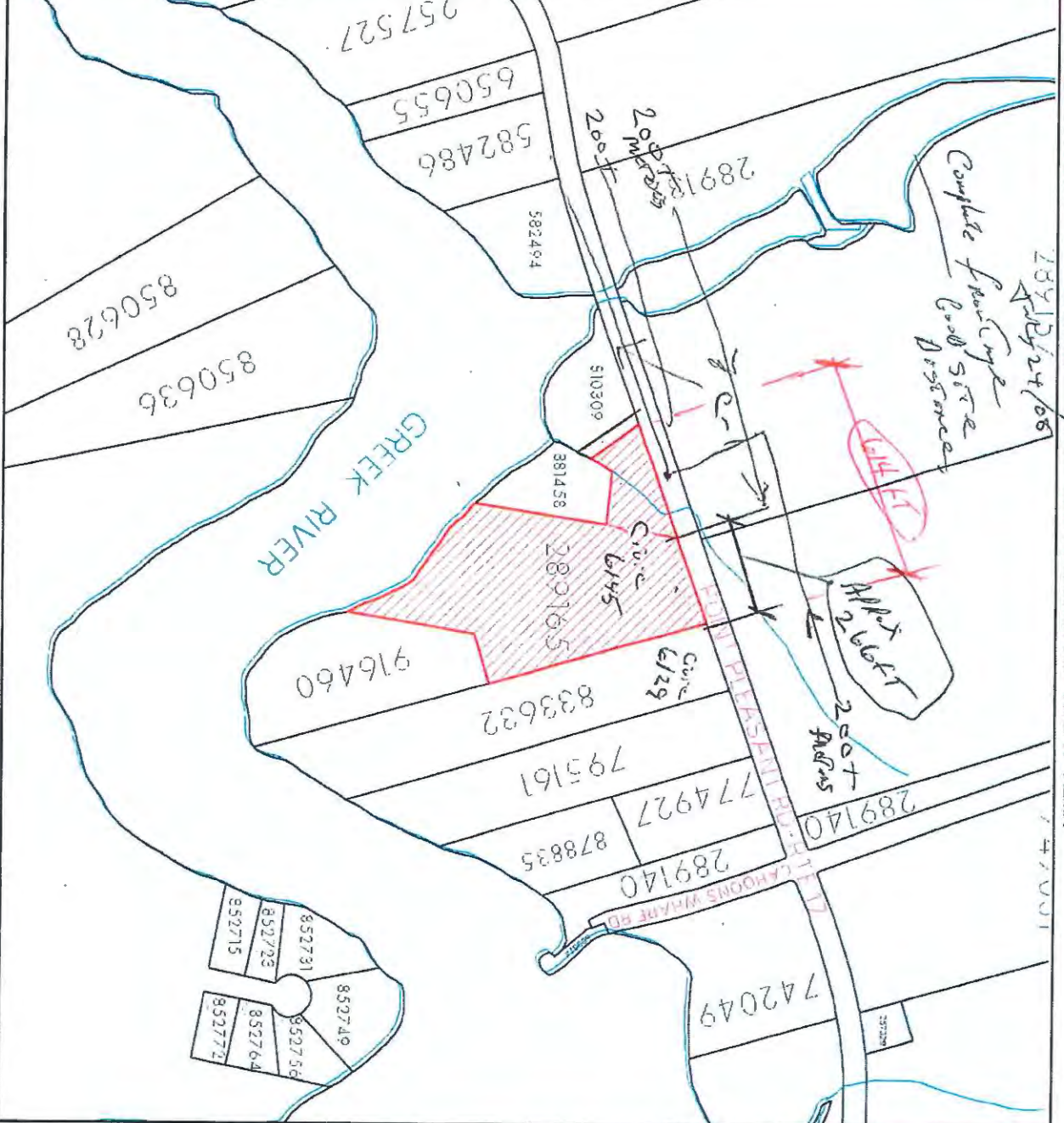
Parcel Update:
 7.76
 District: 3094
 Township: 63

EVENTS FILED ON PARCEL:

<u>Description</u>	<u>Type</u>	<u>Doc No</u>	<u>Liber/Book</u>	<u>Folio/Page</u>
DEED	11	1526	501	20
DISCHARGE, RELEASE OR SATISFACTION (i.e. MORTGAGE, MECHANICS' LIEN)	61	1235	-	-
PARTIAL DISCHARGE OR RELEASE (i.e. MORTGAGE, CLAIM FOR LIEN)	67	1675	377	33
MORTGAGE	51	136	310	9
DEED	11	1037	427	24
PARTIAL DISCHARGE OR RELEASE (i.e. MORTGAGE, CLAIM FOR LIEN)	67	884	292	38
MORTGAGE	51	1984	282	25
DISCHARGE, RELEASE OR SATISFACTION (i.e. MORTGAGE, MECHANICS' LIEN)	61	2301	-	-
ESTATE DEED (EXECUTORS' OR ADMINISTRATORS' DEEDS)	12	1013	377	30
MORTGAGE	51	2670	268	49
DEED	11	19951825	316	35
DEED	11	19940229	285	12
DEED	11	19921590	268	48
DEED	11	19901609	244	57

FILED ON PARCEL:

Owner Name: ISABELLE LEECO
Location: 6145 POINT PLEASANT RD - RTE 17 ALMA



PROVINCE OF PEI DEPARTMENT
PROVINCIAL TREASURY
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N8

PHONE: 902-368-5167
FAX: 902-368-5255

WHILE THIS MAP MAY NOT BE FREE FROM ERROR OR OMISSION, CALCULATIONS HAVE BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY. THIS MAP IS A GRAPHICAL REPRESENTATION, INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS.

SCALE: 1:5000
DATE: Jul 24, 2008
TIME: 08:05:24 AM
ACREAGE: 8.04
WORK UNIT: 3276

<u>Map #</u>	<u>Property Location</u>	<u>Owner Name & Mailing Address</u>
11L028B3	6145 POINT PLEASANT RD - RTE 17	ISABELLE LEECO
	ALMA	42 MACLURE POND RD
		MONTAGUE
7.76		

Assessment Values

Commercial Assessment: \$0.00
 Commercial Assessment: \$81700.00
 Residential Assessment: \$46900.00
 Assessment: \$0.00
 Assessment Value: \$81700.00
 Commercial Assessment Value: \$81700.00
 Commercial: \$0.00
 Non-Commercial: \$79800.00
 Residential: \$45000.00
 Farm: \$0.00

Tax Rates

Provincial Commercial Rate: \$1.50
 Provincial Non-Commercial Rate: \$1.50
 Municipal Commercial Rate: \$0.00
 Municipal Non-Commercial Rate: \$0.00
 Flat Rate: \$111.00
 Provincial Tax Credit: \$-1

Summary of Annual Charges: Provincial and Municipal Credits

Sum of PEI Charges	\$1197.00	Municipal	Provincial
Provincial Credits *	\$-493.81	N/A	\$-399.00
Utility of Murray River	\$40.00	Farm Assessment Credit:	\$0.00
Waste Management Corp. Charges	\$195.00	Farm Use Credit:	\$0.00
Annual Charges	\$938.19	Owner-Occupied Residential Credit:	\$-94.81
		Environmental Building Credit:	\$0.00
		Environmental Land Credit:	\$0.00
		PE COA TR0	\$-493.81

Registry Information Listing
By Parcel Number

Pa

6A
12B
12C
22
35
2

Map #
11L028B3

Property Location
ALMA

Owner Name & Mailing Address
MICHAEL & RHONDA HOPKINS

Prop No: 289165000

MURRAY RIVER
PE COA 1W0

District: 3094
 Unit #: 3276

Propertyship #: 63
 Unit #: 4

Designated Taxpayer and Mailing Address
MICHAEL & RHONDA HOPKINS

MURRAY RIVER
PE
COA 1W0

<u>Assessment Values</u>		<u>Taxable</u>
Commercial:		0
Non Commercial:	\$ 24000	24000
Residential:		0
Farm:		0

Acreeage
1.3
Murray River
WAKELIN MIKE

Dates
Assessment Effective:

Quality: 3909
 # and Assr: 1
 Municip: 100
 Prop Code:
 Number:
 ID Code: A01
 ship Code:
 rempt Code:

No. Farm Quali:
 No. Referrals:
 No. Transfers:
 No. Tax Credits:
 No. Building Permits:
 No. Appeals:

Last Inspection:
 Last Owner Chg: 19-MAY-00
 Initially Filed: 26-MAY-00
 Dormant:

Owner Name: MICHAEL & RHONDA HOPKINS
Location: null



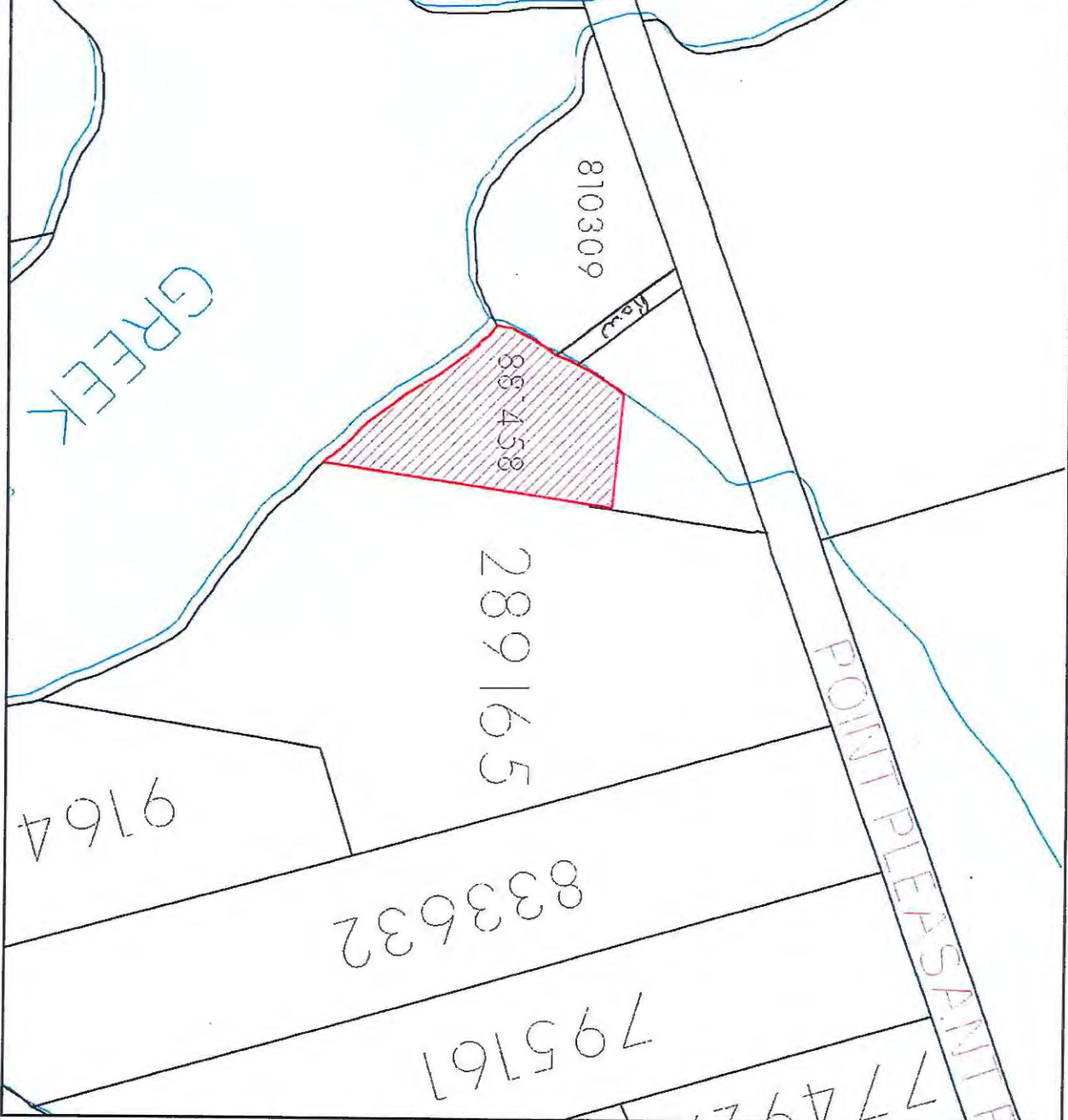
PROVINCE OF PEI DEPARTMENT
PROVINCIAL TREASURY
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N8

PHONE: 902-368-5167
FAX: 902-368-5255

WHILE THIS MAP MAY NOT BE FREE FROM ERROR OR OMISSION, CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY. THIS MAP IS A GRAPHICAL REPRESENTATION. IT IS INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS.

SCALE: 1:2291
DATE: Jul 21, 2008
TIME: 09:13:09 AM
ACREAGE: 1.29
WORK UNIT: 3276

Owner Name: MICHAEL & RHONDA HOPKINS
Location: null

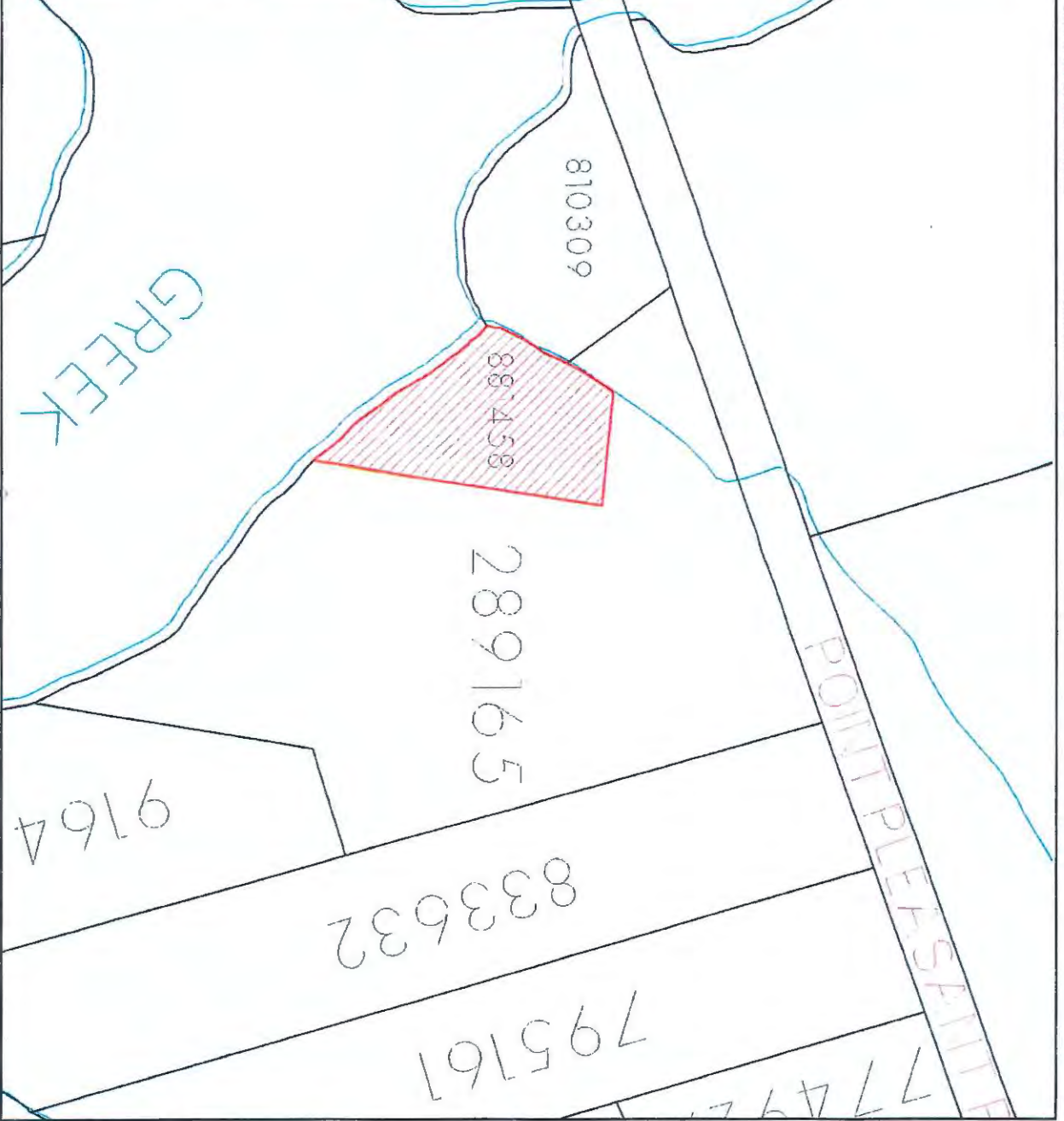


PROVINCE OF PEI DEPARTMENT
 PROVINCIAL TREASURY
 GEOMATICS INFORMATION CENT
 11 KENT ST. CHARLOTTETOWN
 PEI C1A 7N6

PHONE: 902-368-5167
 FAX: 902-368-5255

WHILE THIS MAP MAY NOT BE FREE FROM ERROR OR OMISSION, CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY. THIS MAP IS A GRAPHICAL REPRESENTATION, IT IS INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS.

SCALE: 1:2291
 DATE: Jul 22, 2008
 TIME: 03:32:55 PM
 ACREAGE: 1.29
 WORK UNIT: 3276



PROVINCE OF PEI DEPARTMENT C
PROVINCIAL TREASURY
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N6

PHONE: 902-368-5167
FAX: 902-368-5255

WHILE THIS MAP MAY NOT BE FREE
FROM ERROR OR OMISSION, CARE
BEEN TAKEN TO ENSURE THE BEST
POSSIBLE QUALITY. THIS MAP IS A
GRAPHICAL REPRESENTATION. IT
INTENDED TO BE USED TO CALCU
EXACT DIMENSIONS OR AREAS.

SCALE: 1:2291
DATE: Jul 22, 2008
TIME: 03:32:55 PM
ACREAGE: 1.29
WORK UNIT: 3276

<u>Map #</u>	<u>Property Location</u>	<u>Owner Name & Mailing Address</u>
11L028B3	ALMA	MICHAEL & RHONDA HOPKINS
1.3		MURRAY RIVER

Assessment Values

Commercial Assessment:	\$0.00
Commercial Assessment:	\$24000.00
Initial Assessment:	\$0.00
Assessment:	\$0.00
Assessment Value:	\$24000.00
Assessment Value:	\$24000.00
Commercial:	\$0.00
Non-Commercial:	\$24000.00
Residential:	\$0.00
Farm:	\$0.00

Tax Rates

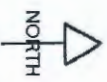
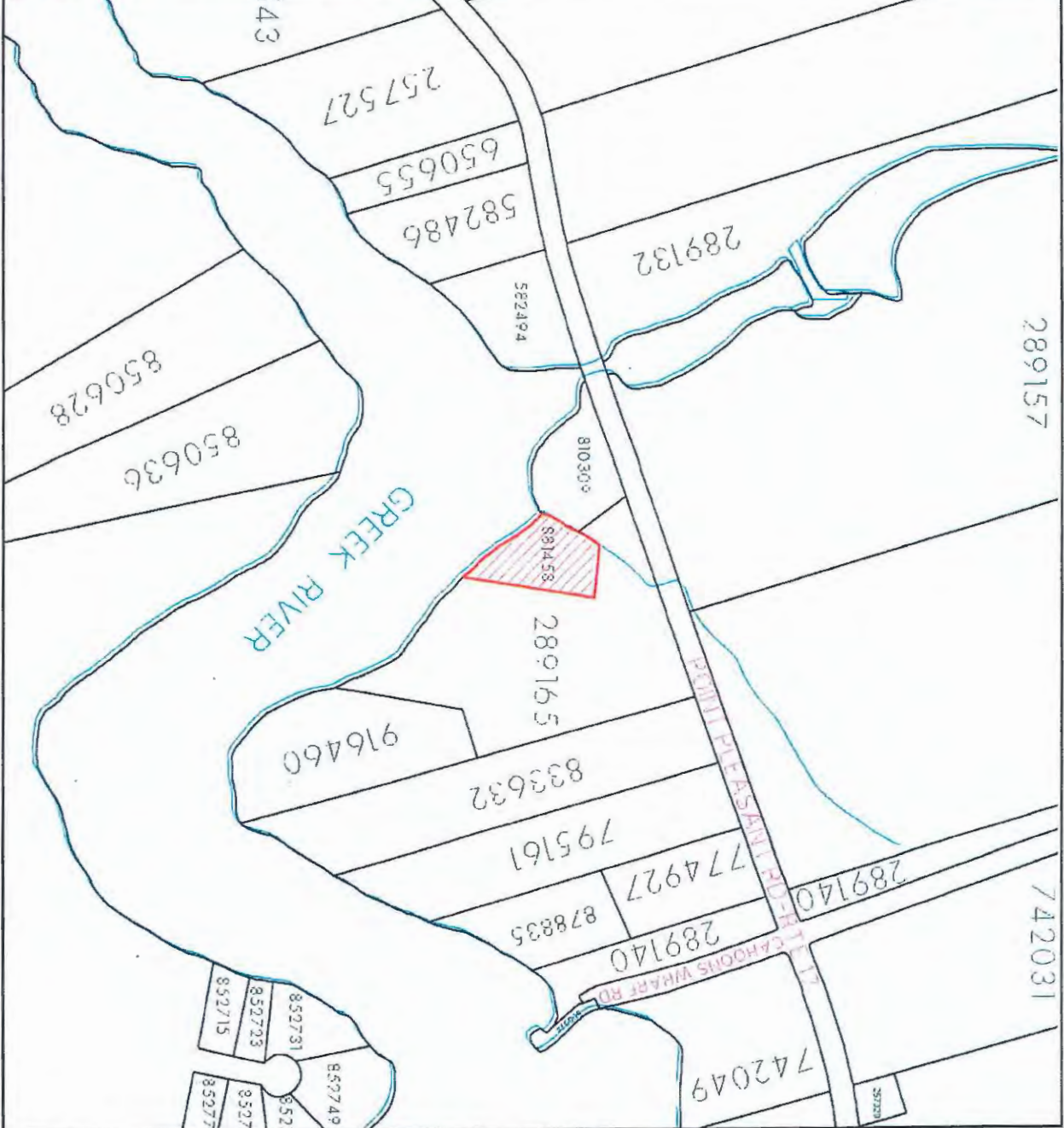
Provincial Commercial Rate:	\$1.50
Provincial Non-Commercial Rate:	\$1.50
Municipal Commercial Rate:	\$0.00
Municipal Non-Commercial Rate:	\$0.00
Farm Rate:	\$111.00
Provincial Tax Credit:	-\$1

Summary of Annual Charges:

* Provincial and Municipal Credits

	Annual Charges	Municipal	Provincial
Sum of PEI Charges	\$360.00		
Provincial Credits *	-\$120.00	N/A	-\$120.00
Liability of Murray River	\$15.00	\$0.00	\$0.00
Waste Mangement Corp. Charges	\$0.00	\$0.00	\$0.00
Annual Charges	\$255.00	N/A	\$0.00
Owner-Occupied Residential Credit:			\$0.00
Environmental Building Credit:		\$0.00	\$0.00
Environmental Land Credit:		\$0.00	\$0.00
PE COA 1W0	\$0.00		-\$120.00

Owner Name: MICHAEL & RHONDA HOPKINS
Location: null



PROVINCE OF PEI DEPARTMENT
PROVINCIAL TREASURY
GEOMATICS INFORMATION CENTRE
11 KENT ST. CHARLOTTETOWN
PEI C1A 7N6

PHONE: 902-368-5167
FAX: 902-368-5255

WHILE THIS MAP MAY NOT BE FREE FROM ERROR OR OMISSION, CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY. THIS MAP IS A GRAPHICAL REPRESENTATION, IT IS INTENDED TO BE USED TO CALCULATE EXACT DIMENSIONS OR AREAS.

SCALE: 1:5000
DATE: Jul 24, 2008
TIME: 08:05:27 AM
ACREAGE: 1.29
WORK UNIT: 3276

TAB

C

MEMORANDUM

To: Jay Carr

From: Leland Wood

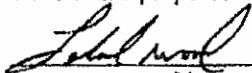
Date: July 24, 2008

Subject: Michael & Rhonda Hopkins Pid # 289165 wants to add road frontage from 289165 to existing lot Pid # 881458 approved for summer cottage use. For driveway and with road frontage change lot from summer cottage use to single family dwelling (lot has wet area).

Enclosed is a copy of the above mentioned application for your consideration.

Would you kindly let me have your comments as an attachment or in the space provided below, and return this memo as soon as possible to the above address.

If any delays of the memo are foreseen, please contact us; otherwise, if no reply is received within two weeks, it will be assumed that you have no objections to the proposal.


Signature

Comments:

Date: _____ **Signed:** _____

TAB

D



Click to return to [Main Page](#)
or
[Display Parcels Under Current Commission Consideration](#)

Identified Land Search Results

WARNING! The Land Information System databank is based on information filed as part of applications made under the [Lands Protection Act](#). The Commission does not warrant the accuracy of the information. Without limiting the generality of the foregoing, certain information may have changed after processing the applications including, in some cases, the assignment of new parcel numbers to identified land. The new parcel numbers are not necessarily contained in the databank. The databank does not include parcels that were identified prior to 1979.

Questions? Email us by clicking [here](#).

Please enter parcel number (you must enter 6 or 7 digits):

No records found!

TAB E



Environment,
Energy and Forestry

Pollution Prevention
P.O. Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8



Environnement,
Énergie et Forêts

Prévention de la pollution
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

INTEROFFICE MEMORANDUM

To: Leland Wood
From: Jay Carr
Subject: *Michael Hopkins, Point Pleasant - PID#289165*
Date: August 11, 2008

The Department of Environment, Energy & Forestry has reviewed the above noted development application for the construction of a driveway across pid #289165 to access pid#881458 in Point Pleasant and offers the following comments:

- 1) The parcels contain forested land adjacent to a watercourse/wetland with a slope of under 9%, and as such, any forested land within 20 meters of the watercourse/wetland is classified as a forested riparian zone. Within this forested zone, the owner should be made aware of the riparian zone legislation requiring these zones be maintained in forest cover. The riparian zone for pid#881458 shall be measured from the edge of the tree line along the shore/wetland area. For more information regarding forested riparian zones, the developer can contact the Water Management Division of Department of Environment, Energy & Forestry at 368-5052.
- 2) Prior to constructing a crossing over the watercourse on pid#289165, the developer must apply for and obtain a watercourse alteration permit from this Department.

If you have any questions, please call me at 368-5049.

Jay Carr
Environmental Assessment Officer

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From: Jay Carr
To: Wood, Leland
Date: 8/18/2008 3:56:23 PM
Subject: Michael Hopkins

Hey Leland,

I just spoke to Mr. Hopkins. Apparently they are putting the driveway in east of the watercourse (and the area that has been cleared) and will not be crossing the watercourse at all. Since this is the case, no permits will be required from our Dept. I'd note that he has cleared a portion of the forested riparian zone (up to the allowable limit of 1/3) and no further clearing adjacent to the watercourse will be allowed on that parcel..

Cheers,
Jay

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PRE-DEVELOPMENT INSPECTION REPORT

Department of Communities,
Cultural Affairs and Labour

APPLICANT: Michael/Rhonda Hopkins LOCATION: ALMA

PROPERTY NUMBER: 881458 DATE OF INSPECTION: _____

SUBDIVISION CASE # 62103A CIVIC ADDRESS: _____

1. PROPERTY INFORMATION:

- (a) Is the property identified? Yes No
- (b) Is the property in the Coastal Area? Yes No
- (c) Is the property within a Special Planning Area? Yes No
- (d) Is the property within an Incorporated Municipality? Yes No
- (e) Is a survey required? Yes No
- (f) What is the soil classification? _____
- (g) Slope of the land? Level Slight Moderate Steep
- (h) Surface Drainage? Good Acceptable Poor
- (i) The parcel of land has a: Stream Wetland Pond Watercourse
Primary sand dune Secondary sand dune N/A
- (j) Is a buffer required area along a wetland or watercourse? Yes No
- (k) Existing land use? Cottage Proposed land use: SFD

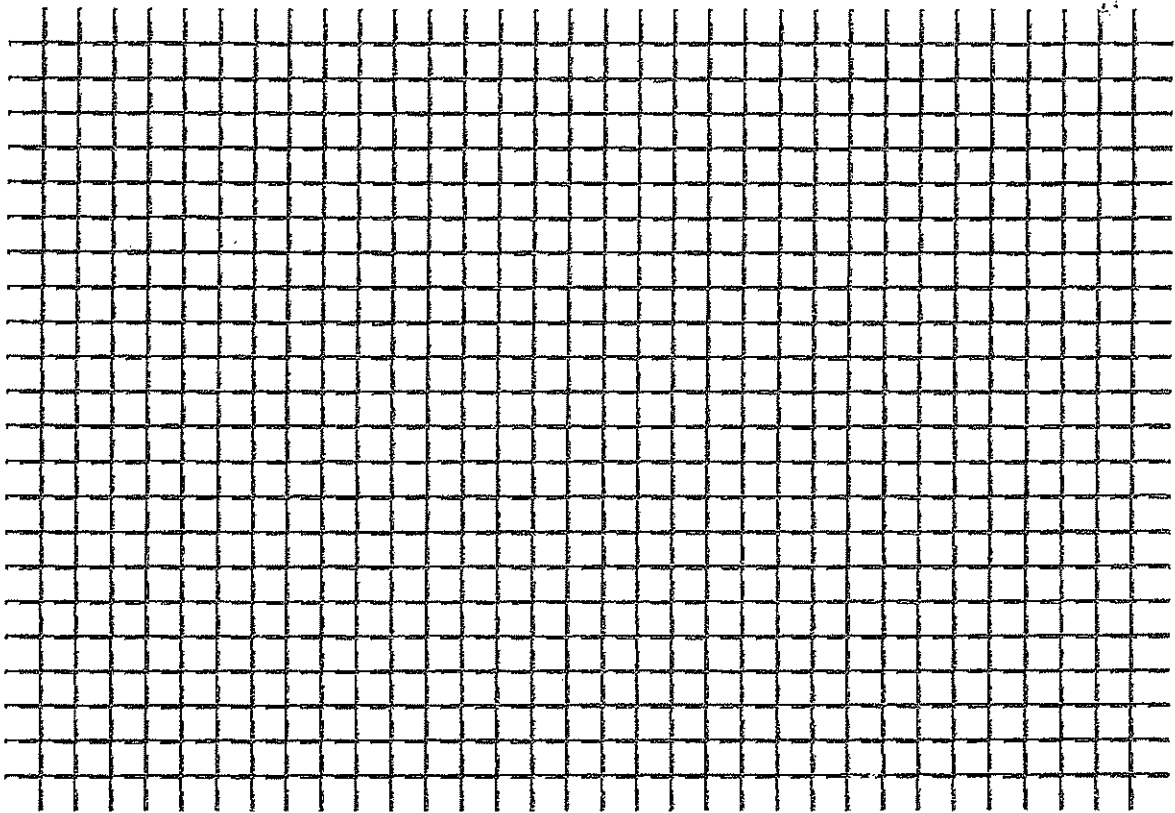
2. HIGHWAY INFORMATION

- (a) Name of highway: Point Pleasant RD. Route No. 17
- (b) Highway classification: Arterial Seasonal Collector C1
C2 C3 Non-essential Heritage Private ROW
Subdivision road Other _____
- (c) Is an entrance way permit required: Yes No
- (d) Highway access (culvert): New culvert required Use existing entrance
Re-locate existing entrance
- (e) Is a fee required for the culvert? Yes No
- (f) Does the existing or proposed entrance way meet the sight distance requirements?
Yes No
- (g) Are there any conditions? Yes No

3. BUILDING INFORMATION

- (a) Will the proposal meet the minimum building setbacks? Yes No N/A
- (b) Will there be variance required? Yes No N/A
- (c) Are there existing buildings or structures on the property? Yes No

SKETCH



Notes: Approve a part of P.O.# 289165 To P.O.# 881458
To Give it 100ft + Road Frontage To Change
Lot from Summer Cottage To Single Family Dwelling.
CASE# 18692-B

FORWARD COPIES OF THE APPLICATION AND INSPECTION REPORT TO THE FOLLOWING FOR COMMENT:

- ENVIRONMENT
- HIGHWAYS
- ENVIRONMENTAL HEALTH

- QUALITY TOURISM
- MUNICIPALITY
- _____

FORWARD COPIES OF THE PERMIT TO THE FOLLOWING FOR RECORD PURPOSES:

- MUNICIPALITY
- HIGHWAYS

- ENVIRONMENT

L. Wood
PROPERTY DEVELOPMENT OFFICER

Oct 20/08
DATE

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Communities,
Cultural Affairs
and Labour

Communautés,
Affaires culturelles
et Travail



31 Gordon Drive
PO Box 2000
Charlottetown
Prince Edward Island
Canada C1A 7N8

31, rue Gordon
C.P. 2000
Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

October 20, 2008

Michael Hopkins
1090 Line Road, RR#2
Montague PE C0A 1R0

Dear Mr. Hopkins:

Re: Case # 62103A - Alma, 289165

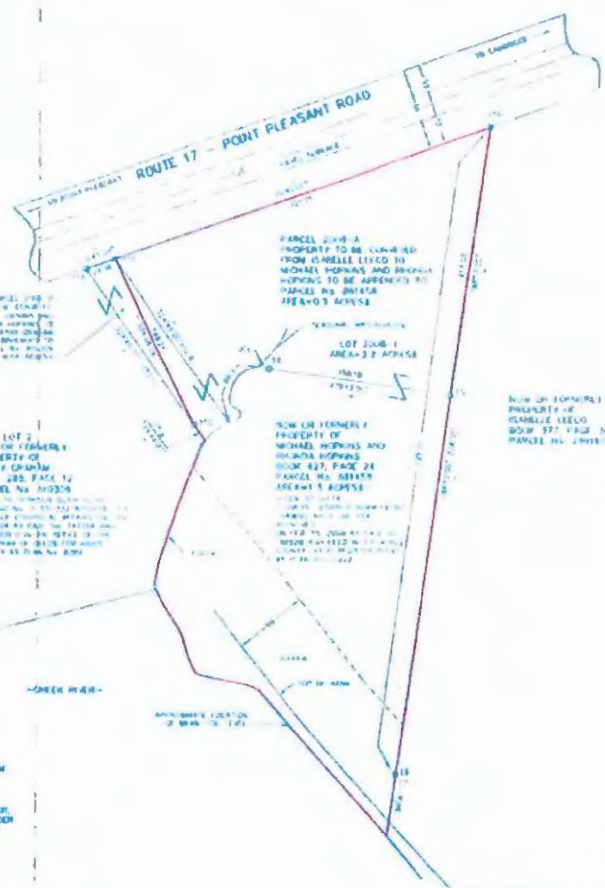
Approval date stamping (or filing for record purposes only) for the above mentioned plan has been completed by the Department of Communities, Cultural Affairs and Labour, and at least one copy is enclosed for record purposes.

Yours truly,

Leland Wood
Property Development Officer

enclosure

TFa10 - March 22, 2004



COORDINATES		
STA	EASTING	NORTHING
0+00	417327.26	244278.27
1+00	417380.07	244275.50
2+00	417431.01	244270.40
3+00	417477.84	244267.21
4+00	417519.62	244261.76
5+00	417557.79	244254.52
6+00	417592.57	244245.83

NOTE: THIS SURVEY TO BE MADE IT IS NECESSARY FOR APPROVAL TO BE OBTAINED BY THE APPROPRIATE AGENCIES.

DEPARTMENT OF COMMUNITY & CULTURAL AFFAIRS
RECORD COPY
 NOT TO BE TAKEN AWAY

NOTE: THIS SURVEY WAS TIED INTO A PREVIOUS SURVEY BASED ON THE DOUBLE STEREOGRAPHIC PROJECTION SYSTEM. ALL COORDINATES ARE EXPRESSED IN FEET.

NOTE: I, BRUCE R. PUTER, PRINCIPAL ENGINEER AND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.



- LEGAL SURVEY NUMBER PLACED
- LEGAL SURVEY NUMBER PLACED
- CALCULATED POINT

DEPARTMENT OF COMMUNITY & CULTURAL AFFAIRS
RECORD COPY
 NOT TO BE TAKEN AWAY

APPROVED
 October 20, 2008
 Dept. of Community, Cultural Affairs & Liaison
 Per *[Signature]*

Parcel 2008-A appended to Parcel # 801458 to create Lot 2008-1 for Single Family Dwelling use only. Parcel 2008-A is not approved as a separate lot.
 Parcel 2008-B to be appended to Parcel #10309. Parcel B is not approved as a separate lot.

Notes:
 1. This plan SUPERSEDES the approval of Plan #155928.
 2. The subdivision approval has been issued by a geographic area which does not have land zoning. The area may include existing or future residential, commercial, agricultural, forestry, farming, aquaculture, tourism, industrial or institutional uses which may influence the use of the site for which the approval has been issued.

#62103A

DELTA SURVEYS - DESIGNER SURVEYS INC.
 2111 W. STATE ST. CHARLOTTE, N.C. 28208-1000 PH: 704-399-5800

PLAN SHOWING PROPERTY OF MICHAEL HOPKINS AND RHONDA HOPKINS AND A PORTION OF PROPERTY OF ISABELLE LEECO

LOCATION	SCALE	FILE	DATE	SHEET	TOTAL SHEETS
GREEK RIVER, LOT 83, KINGS Co., P.E.I.	1"=50'	2008-11-18	2008-11-18	1	1
DRAWN	BY	DATE	BY	DATE	

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NOTE: This map is a graphical representation and is not intended to be used for legal descriptions or to calculate exact dimensions or areas.





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