



July 28, 2026

**VIA EMAIL**

[websterd@hotmail.com](mailto:websterd@hotmail.com)

David A. Webster  
274 Gay Road  
Pownal, PEI C1B 3N7  
Appellant

[ctweedy@gov.pe.ca](mailto:ctweedy@gov.pe.ca)

[sflanagan@gov.pe.ca](mailto:sflanagan@gov.pe.ca)

Christiana Tweedy and  
Stephen Flanagan  
Legal and Legislative Services  
Department of Justice and Public Safety  
Shaw Building, 4<sup>th</sup> Floor South  
95 Rochford Street, Charlottetown, PE C1A 7N8  
Lawyers for the Respondent

**RE: Appeal #LA26011 – David Webster v. Minister of Land and Environment**

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from David Webster against two decisions of the Minister of Land and Environment, both dated July 22, 2026. The Notice of Appeal seeks to appeal the decisions in respect of permit files M-2026-0142 and M-2026-0143, which each denied an application to establish a storage building on PID 835033 located on Wootten Lane, Murray Harbour, PEI. The Notice of Appeal and accompanying material is attached to this correspondence.

In order to ensure this matter proceeds in an orderly and timely manner, the Commission has set the following timelines. *The dates set out below may only be extended by approval of the Commission.*

1. Appeal Record. The Minister of Land and Environment is to forward a copy of all information in your file with respect to the above-noted decision to the Commission by **August 24, 2026**, in accordance with the attached [Practice Direction on Appeal Records](#).

On the same date, please file a written response to the Notice of Appeal. The written response may raise issues involving jurisdiction or preliminary matters in addition to a clear, but brief, response to the appeal.

2. Appellant Response. The Appellant is to provide a written submission by **September 8, 2026**. This submission is to:

- Respond to the Appeal Record
  - For example, you may respond to the documents provided by the Minister of Land and Environment and provide your position on why they may support your appeal. You may also request any documents that you note may be missing.
- Reply to the Submission of the Minister of Land and Environment.
  - The Submission from the Minister of Land and Environment provides their position with respect to the July 22, 2026, decisions under appeal. You have the opportunity to respond to this and provide the reasons why you are appealing these decisions and any areas in which you disagree with the Minister's position
- Particularize and clarify the grounds of appeal set out in the Notice of Appeal.
  - Based on your review of the Appeal Record you may want to clarify your grounds of appeal.

3. Conference call. Following receipt of the Appellant's written submission, Commission staff will schedule a call with the parties **within two (2) weeks**. The call will address the following:

- Whether the parties interested in mediation. Mediation is a without prejudice process facilitated by Commission staff to give the parties an opportunity to discuss the matters of concern and consider whether a negotiated resolution can be reached on all or some of the issues without the need to attend a public hearing. The Commission will only hold a mediation if all parties voluntarily agree to participate.
- Preparation for public hearing. The call will also address the steps necessary to proceed to an in-person public hearing before a panel of Commissioners, including:
  - Preliminary issues to be addressed before the hearing;
  - Hearing dates;
  - Filing deadlines;
  - Finalize Appeal Record, if necessary; and
  - Other matters that may be raised by the parties.

### Public Hearing

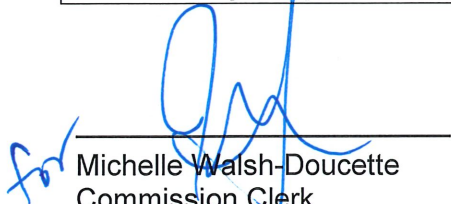
Please be advised that the Commission's appeal process is a public process and all information submitted to the Commission will be shared with all parties and posted to the Commission's website.

A hearing before the Commission is also public. The Commission's hearing room will be open to the public and the hearing will be streamed over the internet.

Legal Counsel

Parties may, but are not required to, retain legal counsel to assist in the conduct of this appeal. If any party wishes to retain legal counsel, the Commission strongly recommends they do so as soon as possible and advise the Commission. Until a party advises in writing that they have retained counsel, the party will be served with documents.

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

  
for Michelle Walsh-Doucette  
Commission Clerk  
[mwalshdoucette@irac.pe.ca](mailto:mwalshdoucette@irac.pe.ca)

Enclosure

cc. Eugene Lloyd, Manager, Development Control – [emlloyd@gov.pe.ca](mailto:emlloyd@gov.pe.ca)

# 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](http://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 27 day of July, 2026, wherein the Minister/Community Council made a decision to deny the applications for two sheds (storage buildings). M-2026-0142 and M-2026-0143

(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)

Please see attachment

**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)

Please see attachment

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

Name(s) of Appellant(s): David Webster, Georgia Robinso  
Please Print

Signature(s) of Appellant(s):

Mailing Address: 374 Gay Road

City/Town: Pownal

Province: PE

Postal Code: C1B 3N7

Email Address: websterd@hotmail.com

Telephone: 902-628-6305

Dated this 27 day of July, 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](mailto:info@irac.pe.ca).

Webster  
PID 835033  
Reference: M-2026-0142 and M-2026-0143

**Attachment to Notice of Appeal**

The grounds of appeal are as follows:

1. The two storage buildings are permitted under the Subdivision and Development Regulations.
2. The two storage buildings are in alignment with the Planning Act, its purposes and provincial interests, and have merit based on sound planning principles.
3. The Appellants have been subject to unlawful-like and unethical-like practices.
4. The Appellants have been subject to bias given the requirements presented to the Appellants have changed and increased throughout the process, are often beyond or in contradiction to regulatory requirements, and/or include subjective interpretations.
5. The Appellants submit that a number of factors have impacted their ability to experience a fair, efficient and professional application process, including: mistakes or intentional actions or non-actions in how the government has applied the process; the lack of timely or non-response to inquiries; and the delays in the government's managing of the process.
6. The Appellants have been selectively discriminated against and faced unfair bias given that the government is permitting other land owners to be in non-compliance with various regulations.
7. The government has not been able to provide clear and consistent information about their requirements that has meant the Appellants have not been able to make informed decisions.
8. The Appellants believe that this decision by the government will adversely impact their reasonable enjoyment of the property.

2.

The Appellants seek the following relief:

1. To allow the sheds to remain on the property without any additional requirements.
2. A refund of the building permit (\$985.)
3. Compensation for the cost of a PERC test (\$1121.25).
4. A refund of the application fee for the gazebo (\$250).
5. Compensation for the overpayment of the shed fee paid in March 2025 (\$150.)

## Development Permit:

**PID** 835033

**Date Opened** 2026-06-30

**Office** Montague

**Proposed Use** Residential (Accessory Storage Building)

**Permit Status** Denied

**Decision** Denied

## Development Permit:

**PID** 835033

**Date Opened** 2026-07-02

**Office** Montague

**Proposed Use** Residential (Accessory Storage Building)

**Permit Status** Denied

**Decision** Denied

PEI Building - Development Permit Status.  
Website: July 22, 2026



Land and  
Environment

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

Terres et  
Environnement



41, chemin Wood Islands  
C.P. 15000, Montague  
Île-du-Prince-Édouard  
Canada C0A 1R0

July 22, 2026

David A. Webster  
374 Gay Road  
Pownal, PE C1B3N7

Dear Applicant:

**Subject:** Application to Build a Storage Building  
**Property ID #:** 835033  
**Property Location:** Wootten Lane, Murray Harbour, Kings County  
**Our File References:** M-2026-0142

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The Department of Land and Environment has reviewed your application to establish a storage building on Subdivision Lot #72, PID 835033 Wootten Lane, located in Murray Harbour. application received on ,June 30, 2026

### **A. The Application**

**Development Permit:** The Subject Property, Subdivision Lot# 72, being approximately 1.98 acres in area, is located within the community of Murray Harbour, Kings County. The application proposes the development of a 12' x 16' storage building on the lot.

### **B. Decision**

The Subject Property is within a geographic area where land use and development are not regulated by an 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*, as well as the *Planning Act* Subdivision and Development Regulations the above noted application is Denied.** The reasons for the denial are explained below.

### **C. Reasons**

The Application proposes building a storage building on Lot # 72, PID# 835033. With no other previous development on the lot the storage building would be establishing the Use on the lot. On November 27,1995 this lot was approved for Summer Cottage Use. Summer Cottage is considered a Single Family Dwelling. The *Planning Act* Subdivision and Development Regulations 28(1) provide provisions for the designation of permitted Use on a lot and 28(2) requires all development on the lot to comply with the approved Use.

Please refer to the *Planning Act* Subdivision and Development Regulations subsections 1 (g.1)(ii), 28 (1)(2).

### **1. Definitions**

(g.1) “**dwelling**” means a building or portion of a building designed, arranged or intended for residential occupancy, and

ii) “**single-unit dwelling**” means a building containing one dwelling unit and does not include mobile homes, but does include mini homes, modular homes, single-family dwellings and summer cottages,

### **28. Designation of permitted uses**

(1) Final approval of a subdivision application shall specify the permitted uses of each lot on the plan of subdivision.

(2) No person shall use a parcel for any purpose other than that which is specified on the approved plan of subdivision.  
(EC693/00; 137/09)

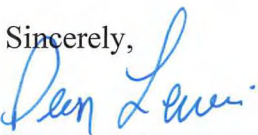
### **D. Right of Appeal**

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.irac.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](mailto:dhlewis@gov.pe.ca) or (902) 361-1273.

Sincerely,



Dean Lewis  
Senior Development Officer

July 22, 2026

David A. Webster  
374 Gay Road  
Pownal, PE C1B3N7

Dear Applicant:

**Subject:** Application to Build a Storage Building  
**Property ID #:** 835033  
**Property Location:** Wootten Lane, Murray Harbour, Kings County  
**Our File References:** M-2026-0143

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The Department of Land and Environment has reviewed your application to establish a storage building on Subdivision Lot #72, PID 835033 Wootten Lane, located in Murray Harbour. application received on ,June 30, 2026

### **A. The Application**

**Development Permit:** The Subject Property, Subdivision Lot# 72, being approximately 1.98 acres in area, is located within the community of Murray Harbour, Kings County. The application proposes the development of a 8'x7' storage building on the lot.

### **B. Decision**

The Subject Property is within a geographic area where land use and development are not regulated by an 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*, as well as the *Planning Act* Subdivision and Development Regulations the above noted application is Denied.** The reasons for the denial are explained below.

### **C. Reasons**

The Application proposes building a storage building on Lot # 72, PID# 835033. With no other previous development on the lot the storage building would be establishing the Use on the lot. On November 27,1995 this lot was approved for Summer Cottage Use. Summer Cottage is considered a Single Family Dwelling. The *Planning Act* Subdivision and Development Regulations 28(1) provide provisions for the designation of permitted Use on a lot and 28(2) requires all development on the lot to comply with the approved Use.

Please refer to the *Planning Act* Subdivision and Development Regulations subsections 1 (g.1)(ii), 28 (1)(2).

### **1. Definitions**

(g.1) “**dwelling**” means a building or portion of a building designed, arranged or intended for residential occupancy, and

ii) “**single-unit dwelling**” means a building containing one dwelling unit and does not include mobile homes, but does include mini homes, modular homes, single-family dwellings and summer cottages,

### **28. Designation of permitted uses**

(1) Final approval of a subdivision application shall specify the permitted uses of each lot on the plan of subdivision.

(2) No person shall use a parcel for any purpose other than that which is specified on the approved plan of subdivision.  
(EC693/00; 137/09)

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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.irac.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](mailto:dhlewis@gov.pe.ca) or (902) 361-1273.

Sincerely,



Dean Lewis  
Senior Development Officer



## Practice Direction on Appeal Records

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The Island Regulatory and Appeals Commission has developed the following Practice Direction to guide parties with respect to the expectation of the Commission regarding the information that is to form the Appeal Record in all appeals before the Commission. The information outlined in this Practice Direction provides general information only. It is not a rule within the meaning of the Commission's [Rules of Practice and Procedure](#). The Commission may vary this Practice Direction where appropriate.

For greater clarity, this Practice Direction applies to all appeals before the Commission except in the case of appeals to the Commission pursuant to the *Residential Tenancy Act*.

### **Appeal Record**

1. The decision-maker responsible for the decision which is the subject of the appeal (the "Decision-Maker") shall file with the Commission, and with any other party, a complete Appeal Record.
2. The Appeal Record is to **contain all documents the Decision-Maker has that are relevant to the appeal**. This includes, but is not limited to, all applications, correspondence, and reports relating to the decision under appeal and a copy of the relevant legislation, regulations and municipal bylaws in force at the material time, including the Official Plan, Municipal Land Use Bylaw, other legislation, or bylaw(s) of a municipality applicable to the decision under appeal.
3. For greater clarity, an Appeal Record generally consists of the following (to the extent they exist):
  - (a) a table of contents;
  - (b) a copy of the application submitted to the Decision-Maker;
  - (c) a copy of the decision under appeal;
  - (d) a copy of any advertisements for any public hearing held relating to the subject of the appeal;
  - (e) a copy of the minutes of any public hearing respecting the subject of the appeal;
  - (f) a copy of the minutes of any council meeting at which the subject of the appeal was discussed, including the minutes of any committee of council at which the subject of the appeal was discussed;
  - (g) a copy of any report, letter, submission, recommendation or other matter respecting the subject of the appeal which was submitted to or was considered by the Decision-Maker, excluding any legal opinion prepared for the Decision-Maker for which privilege is claimed;
  - (h) a copy of all documents and supporting information supplied by the applicant and all correspondence between the applicant and the Decision-Maker relevant to the subject of the appeal;
  - (i) a copy of all internal correspondence of the Decision-Maker relevant to the subject of the appeal, excluding any internal correspondence for which privilege is claimed;
  - (j) a copy of any resolution of the Decision-Maker with respect to the decision that is the subject of the appeal;

- (k) a copy of the publication of the notice of the decision;
  - (l) a copy of the written notice which was sent to the Applicant; and
  - (m) any other documents the Decision-Maker has that are relevant to the appeal.
4. Where the Decision-Maker has audio or video recordings of meetings in which the decision subject to appeal was discussed or considered (e.g. public meetings, committee meetings, and council meetings) the Commission expects that verbatim minutes of those meetings be provided.
  5. Where a Decision-Maker claims privilege over documents in accordance with 3(g) or 3(i), they are required to list and describe all documents for which privilege is claimed and the grounds for the claim.
  6. These documents shall be provided in an electronic format to the Commission and any other party.
  7. Prior to a hearing, the Commission may require up to four (4) hard copies of the Appeal Book. Please contact Commission Staff for direction on whether hard copies are required.
  8. Other parties may make a request in writing (email is sufficient) to the solicitor or representative of the Decision-Maker.
  9. In the event of a dispute between parties about the contents of the Appeal Record, the Commission may require a representative of the Decision-Maker to certify the completeness of the Appeal Record.

#### **Commission's Discretion**

10. The Commission may vary this Practice Direction where appropriate.
11. The Commission retains the sole discretion to determine what is considered relevant in any given appeal matter.
12. The Commission is not bound by the formal rules of evidence and may receive all evidence it deems relevant, even though such evidence may not be admissible in a court of law.
13. The parties will have the opportunity to argue as to the appropriate weight the Commission ought to afford to the evidence at an appeal hearing.
14. In accordance with Rule 46 of the Commission's Rules of Practice and Procedure, the Commission may request parties to file any further information, material or documents, in addition to the Appeal Book that the Commission considers necessary for a complete understanding of an issue in a hearing.