



RECEIVED: August 24, 2026

AMENDED 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 Three Rivers (name of City, Town or Community) on the 12th day of June, 2026, wherein the Minister/Community Council made a decision to refuse to issue a development permit for Application 60.26 DEP dated April 10, 2026.

(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 attached form for additional details.

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)
A hearing de novo, where in the Commission allows the appeal, quashes the Decision and orders that Application 60.25 DEP be approved.

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

Name(s) of Appellant(s): c/o: Gary Scales, McInnes Coope
Please Print

Signature(s) of Appellant(s): 

Mailing Address: 141 Kent Street, Suite 300

City/Town: Charlottetown

Province: Prince Edward Island

Postal Code: C1A 1N3

Email Address: cheralee.gomez@mcinnescooper.cor

Telephone: 902-629-6255

Dated this 16 day of June, 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.

Notice of Appeal (Continued)

(Pursuant to Section 28 of the *Planning Act*)

Names of the Appellants:

1. Randy Mitchell, Anchored Construction Group Inc.
2. Allan Fraser, Property Owner

Grounds of Appeal:

On April 10, 2026, the Appellants submitted a Development Permit Application to the Town of Three Rivers seeking approval of a three-storey, 19,900 sq. foot development which was to include a 24-unit dwelling and commercial space ("**Application 60.26 DEP**"). This development was to be located at Murphy Lane and Gaul Road in Montague, PE, on PIDs 199224, 199232, and 198887. A copy of Application 60.25 DEP is attached.

1. The Town of Three Rivers Council (the "**Council**") issued a decision on June 10, 2026 refusing Application 60.26 DEP (the "**Decision**"), a copy of which is attached below.
2. Council failed to correctly follow the provisions of Bylaw #2023-02 (the "**Bylaw**") and otherwise erred in their interpretation and application of the Bylaw.
3. Council failed to rely on the guidance provided for in the Official Plan dated March 2023.
4. Council failed to identify, follow and apply sound planning principles in their consideration of the Application, and the resulting Decision.
5. Council erred in considering and applying irrelevant factors in their consideration of the Application, and the resulting Decision, and failed to consider relevant factors supporting the merits of the Application.
6. Council failed to carefully evaluate and give reasons for refusing the Application, with the result that Council violated the common law duty of procedural fairness.

~~6. Council failed to provide adequate reasons for rejecting the Application, with the result that Council violated the common law duty of procedural fairness.~~

7. The Appellants accordingly request that the Commission conduct a hearing de novo of the within matter to substitute their own decision from the one appealed as if it were the original decision maker, and in doing so allow the within appeal, quash the Decision of Council, and order the Application be approved.

DATED at Charlottetown, Queens County, Prince Edward Island this 16th day of June, 2026.

AMENDED at Charlottetown, Queens County, Prince Edward Island this 24th day of August, 2026



**Gary Scales, K.C. &
Chera-Lee Gomez**
McInnes Cooper
Suite 300, 141 Kent Street
Charlottetown, PEI C1A 1N3
Telephone: (902) 368-8473

Solicitor for the Appellants

Development Permit Application



SECTION 1: Applicant Information

Full Name: Randy Mitchell
 Business Name: Anchored Construction Group LLC
 Mailing Address: Po Box 1360
 City / Town: Montague

Postal / Zip Code: COA 180
 Home Phone: •
 Cell Phone: 902-940-3312
 Email: randy@anchoredconstruction.ca

OFFICE USE ONLY:

Date received:

Case #

Application fee:

W/S Fee

Receipt #

SECTION 2: Property Owner Information

Full Name: Allen Fraser
 Business Name:
 Mailing Address: 2 Alexandra Court
 City / Town: Stutford C1B 1K8

Postal / Zip Code: C1B 1K8
 Home Phone:
 Cell Phone:
 Email:

SECTION 3: Application Type

Residential Proposals			Non-Residential Proposals	
	# Unit(s)	(sq.ft./m ²)*		(sq.ft./m ²)*
Single-unit dwelling	#		Commercial (Offices)	3,250/302
Duplex dwelling	#		Industrial	
Grouped dwelling	#		Recreational	
Row-house dwelling	#		Institutional	
Multi-unit dwelling	# 24	19,900/1850	Resource	
Accessory building	•	(sq.ft./m ²)	Resource (excavation)	
Any other structure or addition	☐ (✓)			

Other Types of Proposals				
Demolition ☐ (✓)	Change of use ☐ (✓)	Signage ☐ (✓)	Extension of existing Permit ☐ (✓)	
Minor variance (less than 10%) ☐ (✓)	Major variance (More than 10%) ☐ (✓)		Other ☐ (✓)	
Subdivision/Consolidation/Severance ☒ (✓) State total amount of lots created including the original: 3				
Value of construction (VoC)				
For all proposals, please state the estimated dollar value of the construction				\$6,000,000.00

SECTION 4: Municipal Services (Completion of Section 11 is also required)

Are connections required to Municipal services?	☒ Yes ☐ No (✓)
Apply for Water connection: ☒ Yes ☐ No (✓)	Apply for Sewer connection: ☒ Yes ☐ No (✓)
Extension of a Service:	☐ Yes ☒ No (✓)

Note to applicant: Section 12 must also be completed.

*For all buildings, total square footage is a perimeter measurement of the building, decking & porches

SECTION 5: Details of the Development Site

Street Address:	PID 198887 (199224; 199232)		
Parcel Identification Number(s) (PIDs)	198887 (199224; 199232)		
Current Use: Eg. farm, dwelling, vacant lot.	Vacant Land		
Lot Area: 36,375sqft / 3,516m ²	Frontage (ft/m): 163.4' / 498 m	Lot Depth (ft/m): 202.9' / 61.9 m	
Is any part of the property within 30 m of a watercourse?		☐ Yes ☒ No (✓)	

SECTION 6: The Proposed Development

Please provide a brief written description of the proposal:

To build a 3 storey mixed use building with gross floor area of 23,167 sq ft / 2,153 sq m ground floor offices (3,250 / 302) of CMHA.

LOT CONSOLIDATION FOR PID 198887, 199224, 199232

Complete the below table	Building/Structure 1	Building/Structure 2	Building/Structure 3
Roof height (ft/m):	36' / 10.9m		
Total Building footprint (sq.ft./m ²):	8,527 sq ft / 792.5 sq m ²		
Total parking spaces:	37		
Setbacks to proposed structure(s)			
Front yard property line (ft/m)		27.8' / 8.5 m	
Rear yard property line (ft/m)		25.1' / 7.7 m	
Left side property line (ft/m)		79.2' / 24.2 m	
Right side property line (ft/m)		15' / 4.6 m	
To shoreline or top of bank (ft/m)			
To wetland or watercourse (ft/m)			
To sand dunes (ft/m)			

SECTION 7: Applications Seeking a Variance or Bylaw Amendment

Does your project require a variance?	☐ Yes ☒ No (✓)	Please state the reason for the Variance/Bylaw amendment:

Does your project require rezoning?	☐ Yes ☒ No (✓)	Please state the reason for rezoning and intended use of the property:
Existing Zoning:		
Proposed Zoning:		

Protection of Privacy - The personal information requested on this form is collected under the authority of Section 11(1)(b) of the Bylaw to Regulate Access to Information and Protection of Personal Information, Three Rivers Bylaw 2020-02, and will be protected under Section 16 of that Bylaw. It will be used for the purpose of issuing development permits and related documents pertaining to the Planning Department of the Town of Three Rivers. Direct any questions about this collection to Access to Information and Protection of Privacy Coordinator, 172 Fraser Street, PO Box 546 Montague C0A 1R0 Pone (902) 838 2528 (except for EISI)

Section 11 Application for Utility Service

Only complete this section if you ticked Yes for connections to Municipal Services in Section 4

MONTAGUE SEWER & WATER CORPORATION

P.O. BOX 546, MONTAGUE, PEI C0A 1R0
PHONE: (902) 838-2528 FAX: (902) 838-3392

GEORGETOWN SEWER CORPORATION

PO BOX 89, GEORGETOWN, PE C0A 1L0 PHONE:
(902) 652-2924 FAX: (902) 838-3392

Please initial by each line below to acknowledge you have read the below terms:

LM This application must be filled out completely and signed by the customer, developer or the installer (Applicant) before service is provided. The Applicant agrees to abide by the requirements of the Georgetown Sewer Utility Corporation and all applicable provincial legislation.

LM Any development over a single unit housing will require a service plan reviewed by the Sewer and Water Utility before any sewer and water construction begins and no less than 4 weeks prior to the Inspection request.

LM The contractor must contact the Town Office in Montague at 902-838-2528 with 24 hour prior notice to commencing construction, and all inspection work must be carried out Monday to Friday between the hours of 8:00am and 3:30pm.

LM Costs of extending services or increasing the size of existing services, including in the public right-of-way, shall be the responsibility of the Applicant. Reinstatement of any infrastructure such as streets, sidewalk, storm system, etc, shall be the responsibility of the Applicant and must be completed in a timely manner.

LM Under footing service is not guaranteed by the Utility. Elevations must be verified by the Applicant before construction begins.

LM Service will not be provided until the application fee is paid, a provincial plumbing certificate is issued (where one is required) and an inspection of the work is carried out by the Georgetown Utility Operator before the work is covered up.

LM Utility billing will commence once the inspection has been completed.

IT IS NOT PERMITTED TO CONNECT A SUMP PUMP/ HEAT PUMPS/ GEOTHERMAL TO MUNICIPAL SERVICES

SECTION 8: Demolition

Does your project require demolition? ☐ Yes (✓)	
Start date:	Expected completion date:
Contractor	
Debris disposal Site	

SECTION 9: Signage

Is signage required ? ☐ Yes (✓)	Sign 1	Sign 2	Sign 3
Dimensions			
Length (ft/m) X Width (ft/m)			
Total area sq. (ft./m ²)			
Overall height (ft/m)			
Projection from building (ft/m)			
Material eg, plastic, metal, painted			
Illumination	☐ Yes ☐ No (✓)	☐ Yes ☐ No (✓)	☐ Yes ☐ No (✓)

SECTION 10: Applicant/Owner Declaration & Signatures

I solemnly declare:

- 1) That I the property owner, together with the applicant (if applicable) named in the application hereto attached certify they have the authority to bind the property owner as co-signatory of this application.
- 2) The plans/information herein contained in this application are true and reasonable efforts were made to ensure the accuracy of the data.
- 3) I waive all rights or actions against the Town of Three Rivers and/or it's agents or employees in respect of any damages which may be caused through the operation of any provisions of its Bylaws or the revoking of a permit for any cause or irregularity or nonconformity with the Bylaws or regulations adopted by the Town of Three Rivers.
- 4) I assume responsibility for damage to sidewalks, curbs, streets, or other infrastructure and will bear the cost of repair or replacement to the satisfaction of the Town of Three Rivers and/or the Province as required.
- 5) Where services are available, properties must be serviced by municipal sewer and water in accordance with the Montague Sewer & Water Utility Corporation or Georgetown Sewer Utility Corporation minimum standards of acceptability.
- 6) If a certified Footing Plan is required as a condition of the permit, I will cease construction once the footings have been poured and submit the Footing Plan to the Town, and the Town shall determine if the location meets Bylaw requirements.

Signatures required:

Registered Owner(s) Signature

• Allan Fraser

Date: 10 April 2026

Applicant Signature

• 

Date:

Date: 10/4/26

Section 12 Submission Requirements and Additional Notes for Applicants

Every application for a Development Permit shall be accompanied by annotated plans, drawn to an appropriate scale and showing:

- The shape and dimension of the lot
- The distance from the lot boundaries to the building or structure proposed to be erected.
- The distance from the lot boundaries and size of every building or structure already erected on the lot.
- The stormwater drainage pattern and proposed management.
- Lot plans should also indicate the position of the entrance way to the road.

Note to applicant regarding lot orientation: The front yard will be the area fronting a roadside boundary.

Any development that alters existing land levels, such as the development of sloping sites, additional fill, or cutting into slopes will require a detailed plan of existing and proposed ground levels showing the development.

Where a Development Permit application is submitted for a building or structure, the application must be accompanied by a floor plan of the proposed building and exterior elevation drawings of all sides. The drawings should be scaled or accurately annotated with dimensions.

Some types of development, such as subdivisions, demolition or commercial buildings may require additional information to be provided. Planning Staff will advise of any additional requirements.

All applications for a Development Permit must include a complete Development Permit Form signed by the registered owner of the lot and by the owner's agent, duly authorized in writing to act for the owner.

Please note that application forms that are insufficiently detailed or fall short of the above will not be accepted until they are complete. Should you have any questions please reach out to the planning staff who will be pleased to assist.

Additional Notes for Applicants:

- Please contact Access PEI Montague for all submissions related to Building Permits at: accesspeimontague@gov.pe.ca or phone (902) 838 0600
- For new entranceway permits please contact the Department of Transportation & Infrastructure at Phone (902) 368 5100
- Additional advertising fees will apply to proposed bylaw amendments.
- For Montague & Georgetown water/sewer connections please complete the application for service form attached at Section 11.
- New dwellings and commercial properties require registration for a civic address. Please contact the 911 Administration office for more information or phone (902) 894-0385.
- For assistance contact the planning dept' at 902-838-2528 or email planning@threeriverspei.com

Please use the space below to provide additional written information if required:

Note: Drawn details are required separately.



Application 60.26.DEP

June 12, 2026
Randy Mitchell
Anchored Construction Ltd.

Dear Randy

Re: NOTICE OF REFUSAL

Site. Proposed 3 storey mixed use building with 24 residential units and 3000sq.ft of office space at Murphy Lane and Gaul Road, Montague PID's 198887, 199224 & 199232

The Council at their meeting of June 10, 2026 have resolved to refuse to issue a development permit for the above application.

Refused Plans:

- Development permit application form received April 10, 2026
- Drawings A000, A100, A101, A102, A104, A200, A201, A300 received April 10, 2026
- Drawing C100 (revised) received April 14, 2026

A refusal to issue a development permit may be appealed to the Island Regulatory and Appeals Commission (IRAC). A Notice of Appeal must be made within 21 days of the date of the decision pursuant to section 28 of the Planning Act. For further information, including details on how to make an appeal please contact IRAC at:

5th Floor, National Bank Tower
134 Kent Street, PO Box 577
Charlottetown, PE C1A 7L1
Tel. (902) 892-3501
PEI toll-free 1-800-501-6268
Fax (902) 566-4076
appealsinquiries@irac.pe.ca

If you have any questions or wish to discuss the contents of this letter, please contact me at 902-361-2296 or lkenebel@threeriverspei.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'LK', with a horizontal line extending to the right.

Lee Kenebel
Planning & Development Officer