



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

October 2, 2026

VIA EMAIL – mwalshdoucette@irac.pe.ca

Michelle Walsh-Doucette
Commission Clerk
Island Regulatory and Appeals Commission
National Bank Tower, Suite 501
134 Kent Street, Charlottetown PE C1A 7L1

Re: Appeal Docket #LA26008
James Jordan and Suzanne Jordan v. Minister of Land and Environment and Kris Taylor
Our File: LS 28483

1. We represent the Minister of Land and Environment (the “Minister”) in relation to the above noted appeal filed by James and Suzanne Jordan (the “Appellants”) on June 23, 2026, and amended on July 20, 2026 (the “Appeal”).
2. The Appeal is in relation to the June 4, 2026, approval of the Minister to subdivide (consolidate) PID#s 812941, 812917 and 115519, located at Route 16, Monticello, Township 43, Kings County (the “Subject Properties”) into a single lot approved for Recreational Use (the “Decision”).
3. On August 11, 2026, the Minister filed with the Commission the Minister’s Preliminary Submissions and Record of Decision (the “Record”).
4. On August 20, 2026, the Appellants filed a Response to the Minister’s Preliminary Submissions and Request for Procedural Directions (the “Appellants’ Response”). The Appellants’ Response identified a number of alleged deficiencies in the Record and requested procedural directions from the Commission in relation to those alleged deficiencies at Schedule B.
5. The Commission subsequently scheduled an initial call with the parties to address, among other procedural matters, the Appellants’ concerns regarding the Record. That call proceeded on September 17, 2026 (the “Initial Call”).

6. In advance of the Initial Call, and also on September 17, 2026, counsel for the Appellants provided a consolidated list identifying seven categories of additional records and related materials sought from the Minister.
7. During the Initial Call, the Minister agreed to provide the Commission and the parties with a written response addressing each of the seven categories by the end of day, October 2, 2026.
8. Accordingly, this letter provides the Minister's response to each of the seven categories and addresses the Appellants' related allegations concerning the completeness of the Record.

Response to Categories

Category One: Approved land and controlling plans (Schedule B, item 3). We request that the Minister identify the legal description, parcel plan, course layout and project description approved on June 4; explain or correct PID 115519/115599; and identify the versions used for environmental approval, change of use and consolidation, with a cross-reference to subsequent changes. This establishes what was actually approved.

9. The Minister has included in the Record all documents responsive to Category One that existed at the time of the Decision and were before and relied upon by the decision-maker in making the Decision.
10. In particular, the parcel plan approved by the Minister was attached to, and forms part of, the Decision at Tab 1 of the Record.
11. To the extent the Appellants request a legal description for the parcel resulting from the approved consolidation, any such legal description would be created subsequent to the Decision and, accordingly, was not a document before the decision-maker at the time the Decision was made.
12. With respect to the Appellants' request for clarification concerning PID#s 115519 and 115599, the reference to PID# 115599 in the first paragraph of the Decision is a typographical error. The correct PID# is 115519, as accurately identified in the "Re:" line of the Decision.

Category Two: Landholding conditions and Old Queens Road (items 6–7). We request that the Minister produce the outstanding application and recommendation files for EC2025-229, EC2025-1023 and EC2026-629, including conditions and any variation, cancellation or suspension of the no-subdivision restrictions. We ask the Minister and Developer to provide the road-closure instrument, executed conveyance, survey, registration particulars, parcel register and acquisition date, and confirm the parcel configuration and contiguity at approval. These concern statutory and title prerequisites.

13. The Minister has included in the Record all documents responsive to Category Two that were before and relied upon by the decision-maker in making the Decision.
14. To the extent that other Government Departments or Sections may possess additional documents falling within Category Two, those documents were not before or considered by the decision-maker in making the Decision and therefore do not form part of the Record.
15. For greater certainty, the Executive Council Orders and any separate decisions or approvals of the Department of Transportation and Infrastructure are not decisions under appeal.
16. With respect to the documents requested concerning Old Queens Road, to the extent that such instruments, conveyances, surveys or related particulars were registered on title, they are matters of public record and may be obtained through the Charlottetown Land Registry Office.
17. In the alternative, the Minister requests directions from the Commission on producing documents falling within Category Two and the scope of production if deemed relevant by the Commission.

Category Three: Recommended safeguards and decision-making record (items 1–2 and 8).
We request that the Minister and Developer produce proposed or executed Development Agreements, undertakings, financial-security instruments and monitoring or third-party-verification arrangements. We ask the Minister to provide related approval routing, draft conditions, notes and correspondence, identify the decision-maker, and distinguish any current explanation for departing from Mr. O'Hara's recommendations from the contemporaneous record.

18. The Minister has included in the Record all documents responsive to Category Three that existed at the time of the Decision and were before and relied upon by the decision-maker in making the Decision.
19. The decision-maker was Senior Development Officer, Dean Lewis, who was delegated authority to make the Decision on behalf of the Minister pursuant to subsection 6(h) of the *Planning Act*, RSPEI 1988, Cap. P-8.
20. The Minister notes that the Decision approved the consolidation of the Subject Properties and a change of use to Recreational Use. It did not grant a Development Permit to the Developer. Should an application for a Development Permit subsequently be submitted, the Department may consider at that stage whether a Development Agreement or other conditions or requirements are appropriate.
21. To the extent the Appellants seek a current explanation from the Minister addressing the Decision, including the treatment of Mr. O'Hara's recommendations, no such post-Decision explanation ought to form part of the Record. The Minister respectfully submits

that it would not be appropriate to supplement the contemporaneous Record by creating a new explanatory document after the Decision was made. This is better suited for written submissions.

Category Four: Foundational technical information (items 4, 11–12). *We request that the Minister and Developer produce outstanding pre-June 4 topographic, grading, drainage, stormwater, irrigation, water-use, hydrogeological, septic, traffic, entrance, construction, acoustic, errant-ball, security and site-specific compatibility material. We also seek the Archaeological Impact Assessment or decision not to require one, and complete technical referrals and responses concerning wetlands, coast, water and public safety. We ask both parties to confirm which studies did not exist at approval.*

22. In response to Category Four, please find enclosed (i) email correspondence dated June 4, 2025 and May 20 and 21, 2026, between Land Use and Planning Act Specialist, Alex O'Hara, and Provincial Archaeologist, Christian Thériault, concerning an Archaeological Impact Assessment; and (ii) email correspondence dated June 2 and 5, 2025, between Land Use and Planning Act Specialist, Alex O'Hara, and Land Securement Coordinator, Shannon Mader, concerning the presence of bank swallow. This correspondence informed Alex O'Hara's Planning Report dated May 21, 2026, and revised June 3, 2026, and is being provided as a supplement to the Record.
23. The Minister has otherwise included in the Record all documents responsive to Category Four that existed at the time of the Decision and were before and relied upon by the decision-maker in making the Decision.

Category Five: Later plans and permitting (item 5). *We request that the Minister and Developer produce the June 23 preliminary stormwater plan and revisions, and outstanding subsequent applications, approvals and conditions for groundwater, water withdrawal, watercourse/wetland activity, development, building, septic and access, identifying dates and current status. This supplementary disclosure concerns deferred matters and material design changes, not a separate environmental or enforcement appeal.*

24. The Minister has included in the Record all documents responsive to Category Five that existed at the time of the Decision and were before and relied upon by the decision-maker in making the Decision.
25. The additional documents requested by the Appellants, including the June 23, 2026 preliminary stormwater plan and any subsequent applications, approvals, conditions or related materials, post-date the Decision. As a result, those documents were not before or relied upon by the decision-maker in making the Decision under appeal and do not form part of the Record.

26. If the Commission nevertheless considers any post-Decision documents to be relevant and should be produced or form part of the Record, the Minister respectfully requests directions from the Commission as to the scope of production.

Category Six: Public participation (item 10). We request that the Minister produce outstanding meeting recordings, transcripts or verbatim minutes, revised twelve-hole postings, comment matrices and planner notes showing how submissions were considered for the final proposal, identifying any records already produced by tab and page.

27. The Minister has included in the Record all documents responsive to Category Six that were before and relied upon by the decision-maker in making the Decision.
28. Notwithstanding the foregoing, the Minister has made inquiries to the Environmental Land Management Section regarding their records from the public information session on October 29, 2025, noting the meeting was held in conjunction with the Environmental Impact Assessment process. The Minister will update the Commission accordingly in relation to these inquiries and the responsiveness of any documents.

Category Seven: Public benefit and shore access (item 9). We request production from the Minister and Developer of any market study, employment projection, tourism analysis, business plan, feasibility material or other support supplied to or relied upon by Mr. O'Hara for the benefits stated at Record page 55. We also seek plans, analysis, conditions or decisions addressing his identified shore-access gap and the Appellants' related submissions, or confirmation that none exists.

29. In response to Category Seven, please find enclosed 1968 and current Prince Edward Island historical maps depicting the Subject Properties and the shore access. The historical maps are being provided as a supplement to the Record.
30. The Minister has otherwise included in the Record all documents responsive to Category Seven that existed at the time of the Decision and were before and relied upon by the decision-maker in making the Decision.

General Comments

31. The Minister submits that, with the additional materials enclosed with this letter, the Record complies with the Commission's Practice Direction on Appeal Records and is complete. The Record contains all documents the decision-maker has that are relevant to the Appeal.
32. The Minister acknowledges and appreciates that the Commission retains the sole discretion to determine what is considered relevant to the Appeal. The Minister therefore welcomes directions from the Commission regarding the scope of further production of relevant documents to the extent they exist and are not privileged.

33. The Minister trusts that the foregoing addresses the Appellants' requests and the matters discussed during the Initial Call. Should the Commission require any further information or clarification, please do not hesitate to contact us.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Yours truly,

Handwritten signatures of Christiana Tweedy and Caroline Davidson in blue ink.

Christiana Tweedy and Caroline Davidson
Lawyers for the Minister of Land and Environment

Enclosures



Outlook

FW: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

From Alex O'Hara <amohara@gov.pe.ca>

Date Mon 9/28/2026 12:53 PM

To Christiana Tweedy <ctweedy@gov.pe.ca>

Cc Caroline Davison <carolinedavison@gov.pe.ca>

2 attachments (6 MB)

LAND USE MAP CLI 2020 PIDs 812917 & 812941-1.pdf; CASE-2025-018.pdf;

From: Alex O'Hara

Sent: Wednesday, June 4, 2025 1:15 PM

To: Christian Theriault <ctheriault@GOV.PE.CA>

Subject: FW: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Good afternoon, Christian:

I hope this email finds you well. Would you mind providing comment on the attached application please.

Kind regards,

Alex

From: Alex O'Hara

Sent: Monday, June 2, 2025 4:23 PM

To: Shannon Mader <smader@gov.pe.ca>

Cc: Garry Gregory <gggregory@gov.pe.ca>; Julie-Lynn Zahavich <jlzahavich@gov.pe.ca>

Subject: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Good afternoon, Shannon:

I hope this email finds you well. I have an application in Monticello for a 9-hole golf course. Mapping indicates that there is a known presence of Bank Swallow. Would you mind providing comments on the property?

Kind regards,

Alex O'Hara, RPP, MCIP, MRTPI, MIPI, AssocRICS, CAHP-Intern, EPT, MSci

Land Use and Planning Act Specialist

Land Division

amohara@gov.pe.ca

Cell: 902-213-5544

PEI Department of Housing, Land and Communities

Government of Prince Edward Island

31 Gordon Drive

P.O. Box 2000

Charlottetown, PE C1A 7N8

www.PrinceEdwardIsland.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



Outlook

FW: PIDs 115519, 812917, 812941

From Alex O'Hara <amohara@gov.pe.ca>

Date Thu 10/1/2026 12:34 PM

To Christiana Tweedy <ctweedy@gov.pe.ca>

Cc Caroline Davison <carolinedavison@gov.pe.ca>

From: Christian Theriault <ctheriault@gov.pe.ca>

Sent: Thursday, May 21, 2026 10:28 AM

To: Alex O'Hara <amohara@gov.pe.ca>

Subject: Re: PIDs 115519, 812917, 812941

Thank You,

Looks like the area has already been disturbed heavily in recent times.

Materials/artifacts could potentially be observed on the surface in these areas, depending how deep the alteration was.

Given the presence of a wetland, likely a remnant of an old path of Cow River, the northern part of the proposed golf course (circa 50-80m from wetland's edge) is considered to be of high archaeological potential and an AIA (Archaeological Impact Assessment) is strongly recommended to avoid the alteration of archaeological material. Such AIA would consist of a Walking Survey and potentially shovel testing by a professional archaeologist. I could provide a list of archaeology consultants to the proponent.

Please let me know if you require more details.

Christian

From: Alex O'Hara <amohara@gov.pe.ca>

Sent: Thursday, May 21, 2026 9:47 AM

To: Christian Theriault <ctheriault@gov.pe.ca>

Subject: RE: PIDs 115519, 812917, 812941

Good morning, Christian.

Please see attached. Let me know if you have any questions.

Kind regards,

Alex

From: Alex O'Hara <amohara@gov.pe.ca>

Sent: Wednesday, May 20, 2026 12:25 PM

To: Christian Theriault <ctheriault@gov.pe.ca>

Subject: Re: PIDs 115519, 812917, 812941

Thank you, Christian.

Duly noted. I am heading to the site now for a final site visit. I will give you a call later today or tomorrow to ensure I capture any of your concerns, possible mitigations measure and any other additional comments you may have.

Thank you for your input.

Chat soon,

Alex

Get [Outlook for iOS](#)

From: Christian Theriault <ctheriault@gov.pe.ca>

Sent: Wednesday, May 20, 2026 12:05:39 PM

To: Alex O'Hara <amohara@gov.pe.ca>

Subject: Re: PIDs 115519, 812917, 812941

Hi Alex,

For condition no 5:

I doubt they would notice archaeological material during construction (especially since it would be small objects). Also, I no longer am under IRS but FRDT. Given extent and impact of project I would recommend an AIA like the one that was conducted for Links at Crowbush Cove.

I am in Charlottetown today and tomorrow if you want to discuss this and similar projects further.

Christian

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Wednesday, May 20, 2026 9:03 AM
To: Christian Theriault <ctheriault@gov.pe.ca>
Subject: RE: PIDs 115519, 812917, 812941

Thanks Christian.

I have attached some materials for your reference. I have also attached my draft report. If you have any suggested language for number 9. In the matrix (page 4), I would be appreciative.

Kind regards,

Alex

From: Christian Theriault <ctheriault@gov.pe.ca>
Sent: Wednesday, May 20, 2026 8:58 AM
To: Alex O'Hara <amohara@gov.pe.ca>
Subject: PIDs 115519, 812917, 812941

Good morning Alex,

I remember looking at those in the past, likely for the same project. There is no registered archaeological sites in the area, but there is a possibility that sites might be located nearby the shore where there appears to be remnants of an old watercourse/wetland when you look at the DEM and old aerials.

I would recommend avoiding those areas or conducting an AIA if it is for a development project.

Do you have plans of the development?

Thanks,

Christian



Outlook

FW: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

From Alex O'Hara <amohara@gov.pe.ca>

Date Mon 9/28/2026 12:49 PM

To Christiana Tweedy <ctweedy@gov.pe.ca>

Cc Caroline Davison <carolinedavison@gov.pe.ca>

From: Alex O'Hara

Sent: Thursday, June 5, 2025 3:54 PM

To: Shannon Mader <smader@gov.pe.ca>

Subject: RE: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course
I will be. I work a four-day week, so tonight is my Friday night!

However, it is typical that it is going to rain Friday, Saturday, and Sunday. Sod's law.
I hope you have a good weekend.

Chat soon,
Alex

From: Shannon Mader <smader@gov.pe.ca>

Sent: Thursday, June 5, 2025 3:50 PM

To: Alex O'Hara <amohara@gov.pe.ca>

Subject: Re: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course
Okay. Thanks.

Yes, 2-4 weeks for sure.

Thanks Alex. Hope you get to enjoy that sunshine this evening!

Get [Outlook for Android](#)

From: Alex O'Hara <amohara@gov.pe.ca>

Sent: Thursday, June 5, 2025 3:45:28 PM

To: Shannon Mader <smader@gov.pe.ca>

Subject: RE: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Hi Shannon.

No problem. It doesn't look like any tree clearing is going on down by the shore, but the majority of the parcels seem to be being actively cleared. There were three tractors there today. No one was in them.

No big rush. 2-4 weeks ok?

Kind regards,

Alex

From: Shannon Mader <smader@gov.pe.ca>

Sent: Thursday, June 5, 2025 3:23 PM

To: Alex O'Hara <amohara@gov.pe.ca>

Subject: RE: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Thanks Alex. I appreciate the photos and will look forward to the update. Just curious, does it look like the tree removal is ongoing? It's permissible, but always hard to see during nesting season.

What's your timeline for this and the St. Margarets case?

Chat soon,

Shannon

From: Alex O'Hara <amohara@gov.pe.ca>
Sent: Thursday, June 5, 2025 2:51 PM
To: Shannon Mader <smader@gov.pe.ca>
Cc: Garry Gregory <gggregory@gov.pe.ca>; Julie-Lynn Zahavich <jlzahavich@gov.pe.ca>
Subject: RE: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

FYI—additional site visit pictures from the same property. It appears that a lot of forest has been removed. I have reached out to the Environmental Assessment Division, as a golf course is listed in the 2010 Guidelines as a common undertaking, being a proposed golf course. I have not received confirmation if an EIA was completed or a screening requested. I will keep you posted.

Kind regards.

Alex

From: Alex O'Hara
Sent: Thursday, June 5, 2025 12:12 PM
To: Shannon Mader <smader@gov.pe.ca>
Cc: Garry Gregory <gggregory@gov.pe.ca>; Julie-Lynn Zahavich <jlzahavich@gov.pe.ca>
Subject: RE: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Good morning, Shannon:

Didn't get too close, but found some evidence of nesting birds in the middle of the two parcels in question by the shore.

Have a great day.

Alex

From: Alex O'Hara
Sent: Monday, June 2, 2025 4:23 PM
To: Shannon Mader <smader@gov.pe.ca>
Cc: Garry Gregory <gggregory@gov.pe.ca>; Julie-Lynn Zahavich <jlzahavich@gov.pe.ca>
Subject: COU-2025-018 PIDs 812917 & 812941 Monticello Proposed 9-hole Golf Course

Good afternoon, Shannon:

I hope this email finds you well. I have an application in Monticello for a 9-hole golf course. Mapping indicates that there is a known presence of Bank Swallow. Would you mind providing comments on the property?

Kind regards,

Alex O'Hara, RPP, MCIP, MRTPI, MIPI, AssocRICS, CAHP-Intern, EPt, MSci
Land Use and Planning Act Specialist
Land Division

amohara@gov.pe.ca

Cell: 902-213-5544

PEI Department of Housing, Land and Communities

Government of Prince Edward Island

31 Gordon Drive

P.O. Box 2000

Charlottetown, PE C1A 7N8

www.PrinceEdwardIsland.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



Historical Layers

☐

PFS Oblique Labels

...

☐

Sketch

...

☐

2020 Aerial Photo

...

☐

2000 Aerial Photos

...

☒

1968 Aerial Photos

...

☐

1967 Topo Maps

...

☐

1963 Fire Plans S'side

...

☐

1958 Aerial Photos

...

☐

1940s Topo Maps

...



300ft



Historical Layers

PFS Oblique Labels

...

Sketch

...

2020 Aerial Photo

...

2000 Aerial Photos

...

1968 Aerial Photos

...

1967 Topo Maps

...

1963 Fire Plans S'side

...

1958 Aerial Photos

...

1940s Topo Maps

...



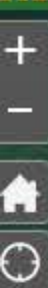
300ft

Naufrage

Northside Rd

Cow River Rd

Cow River Rd



X

- ▶ ☐ PFS Oblique Labels ...
- ▶ ☐ Sketch ...
- ▶ ☐ 2020 Aerial Photo ...
- ▶ ☐ 2000 Aerial Photos ...
- ▶ ☐ 1968 Aerial Photos ...
- ▶ ☐ 1967 Topo Maps ...
- ▶ ☐ 1963 Fire Plans S'side ...
- ▶ ☐ 1958 Aerial Photos ...
- ▶ ☐ 1940s Topo Maps ...



300ft

43 445 46 471 D-FFFF

3

[illegible]



✕

- ▶ ☐ PFS Oblique Labels ...
- ▶ ☐ Sketch ...
- ▶ ☐ 2020 Aerial Photo ...
- ▶ ☐ 2000 Aerial Photos ...
- ▶ ☐ 1968 Aerial Photos ...
- ▶ ☐ 1967 Topo Maps ...
- ▶ ☐ 1963 Fire Plans S'side ...
- ▶ ☐ 1958 Aerial Photos ...
- ▶ ☐ 1940s Topo Maps ...

300ft