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October 7, 2026

Michelle Walsh-Doucette, Commission Clerk  
Island Regulatory and Appeals Commission  
5th Floor, National Bank Tower  
134 Kent Street, P.O. Box 577  
Charlottetown, PE C1A 7L1  
By email: mwalshdoucette@irac.pe.ca

**Re: Appeal LA26008 — James and Suzanne Jordan v. Minister of Land and Environment  
Scope of June 4 approval, current permits and response to October 2 disclosure**

Dear Ms. Walsh-Doucette:

We acknowledge the Minister's October 2, 2026 Record Deficiency Response and supplemental materials, following the September 17 status call. We ask that this letter be placed before the Commission and that counsel obtain the Minister's answers to the questions below. The Developer is copied for its response concerning applications, authorizations and documents within its knowledge or control.

The immediate issue is **what the June 4 decision settled, what remains for further development approval, and what presently authorizes the work on the land**. These answers are necessary to define the appeal and the evidence required. We seek focused clarification and production, not a renewed demand for every subsequent regulatory file or a determination of the merits by correspondence.

**The decision under appeal and the use approved**

Paragraphs 2 and 20 of the October 2 response describe final approval to consolidate PIDs 812941, 812917 and 115519 into a lot approved for Recreational Use, but expressly state that no Development Permit was granted by that decision. The Minister's August 11 submissions, particularly paragraphs 10–12 and 57–62, nevertheless defend the approval by reference to the proposed twelve-hole golf course and Mr. O'Hara's project-specific Planning Report.

The Appellants accept the clarification of the PID typographical error and identify the consolidation plan at Record Tab 1 as the plan on which the Minister relies. We do not maintain that a subsequently prepared legal description necessarily had to exist before approval, or that approval itself completed every conveyancing step. The scope of the permitted use and the Developer's authority over the relevant lands remain material.

We request that the Minister answer the following, identifying the supporting instrument, statutory provision and Record reference:

- (a) Was approval granted for the particular twelve-hole golf-course proposal and associated facilities, for the Recreational class generally, or for a more limited entitlement? Which project description and course drawing, identified by date and version, define the approved proposal? If no single course layout was approved, the Minister should say so and distinguish drawings considered from drawings incorporated into the approval.
- (b) Which matters were finally determined on June 4, and which remain open at a later stage: the acceptability of golf-course use, routing and intensity, compatibility with neighbouring homes, safety, drainage, water supply, servicing, access and operating conditions? Does the Minister say a later application can still be refused on any of those grounds, or that June 4 forecloses reconsideration of some of them?
- (c) How does the Minister reconcile the change-of-use approval with the Development Permit requirement in paragraph 31(1)(d) of the Subdivision and Development Regulations? Does June 4 satisfy that requirement for the land use, despite paragraph 20 of the October 2 response, or is a separate permit still required to implement it? What provisions govern any further golf-course or component-specific application?

The Appellants challenge the actual subdivision and change-of-use decision made on this application. We do not seek an advisory ruling about an unidentified recreational proposal. If the parties disagree about the decision's scope, we request a focused Commission direction after their positions are exchanged, rather than leaving that disagreement to emerge after evidence has been prepared.

### **Current Development Permit and related approval status**

Paragraph 20 states only that June 4 was not a Development Permit and refers conditionally to a subsequent application. It does **not** establish whether an application has since been received, whether a permit has since issued, or which works require one. We ask the Minister, through the responsible officials, to confirm the position as of the date of the reply.

In particular, we request confirmation whether constructing, establishing or commencing operation of the proposed course requires an overarching Development Permit, separate permits for particular works, or both. If no further permit is required for the course itself, the Minister should identify the legal basis and explain the distinction between the course and its buildings or infrastructure.

We request a concise application-and-approval schedule identifying each relevant application number, submission date, issuing authority, present status, covered works and location, applicable plan, decision date, and outstanding pre-commencement conditions. The schedule should distinguish **issued; pending; not applied for; not required, with reasons; and not yet confirmed**. We ask the Minister to cover development, building/structure, groundwater exploration or well construction, water withdrawal, stormwater/drainage, sewage, watercourse/wetland activity and highway access, together with any environmental-approval amendment relevant to the present design. This is a request to identify applicable requirements, not an assertion that every listed approval is necessarily required or missing.

For issued permissions, we seek copies of the operative instruments, conditions and referenced plans, or exact existing Record references. For pending Development Permit applications, we seek the application and current plan sufficient to identify the works proposed and issues reserved for decision. We ask the Minister to identify any agreement or security already in effect. If another authority holds

an item beyond the Minister's custody or control, the Minister should identify that authority and any known reference; the Developer should identify the applications it has made and the permissions upon which it relies.

### **Ongoing site work and the pre-construction condition**

The first condition of the June 4 approval states: "Additional approvals and/or permits will be required prior to the start of construction." The accompanying note also says that subdivision approval should not be interpreted as approving the location of structures or site works already on the property. (Record, Tab 1, p. 7.)

The Appellants report continuing site activity and have previously supplied photographs and observations of clearing, grading, excavation and material placement. They do not allege that every observed activity was unauthorized. We ask the Minister to explain:

- (a) What work the Department understands to have occurred since June 4 and to be occurring now; what inspection or other information supports that understanding; and how it distinguishes forestry, ordinary land management or exempt preparatory activity from implementation of the course and its infrastructure.
- (b) What "construction" means in condition 1 for this project, which conditions must be satisfied before each relevant class of work, and when and by whom the Department determined those requirements were satisfied. If permission to proceed was communicated informally, the Minister should identify its date, author, terms and legal basis.
- (c) Which specific approval authorizes the work, or which exemption or interpretation makes an approval unnecessary, having regard to the definition of development in paragraph 1(g) and the applicable permit provisions. If the Department cannot answer without inspecting, we ask it to identify the responsible official and proposed inspection or response date.

These requests for current permitting and compliance information are directed to the Minister through counsel. We are not asking IRAC to prosecute an offence, issue a general stop-work order or suspend all later permitting. We acknowledge the distinction made in *Woolfrey v. City of Charlottetown*, Order LA26-08, paragraph 112, concerning continuation at the developer's risk during an appeal. That does not answer whether particular work has the separate authorization it requires.

### **Foundational information, deferred safeguards and the Minister's position**

The Appellants accept that some detailed construction matters can be addressed later. Their position is that the Minister still required sufficient information to decide suitability for the intended use under section 13. We ask the Minister to identify which considerations it says were adequately assessed on June 4, which were deferred, and the legal and planning basis for that division. Any claimed exclusion of an issue because of environmental approval should be identified precisely, including the provision relied upon; we do not seek a separate appeal of that approval.

Mr. O'Hara's recommendation included a Development Agreement, completion of outstanding permits and financial security. (Record, pp. 48 and 58.) We do not contend that an agreement is automatically mandatory in every case: subsection 4(3) provides for it as a possible condition. We ask whether those safeguards were secured by any instrument operative on June 4 and, if not, whether their later imposition is mandatory, discretionary or no longer contemplated. If another environmental condition or

undertaking is said to provide equivalent protection, the Minister should identify it and the equivalence asserted.

The October 2 response says an agreement may be considered at a future Development Permit stage. We ask how that position addresses the recommendation supporting this subdivision and change-of-use application. We also ask whether paragraph 27(1)(c), concerning an acceptable stormwater plan where required, applied to this application and what determination and materials supported the position taken.

We agree that no retrospective reasons should be inserted into the historical Record. We seek existing notes, proposed conditions or communications not already identified, together with counsel's present legal position, clearly distinguished from contemporaneous reasoning. Any new factual explanation on which the Minister intends to rely should be identified as such and presented through an appropriate witness or agreed facts, with an opportunity to test it.

### **What remains of the October 2 Record response**

Paragraph 31 asserts completeness, but several preceding answers are limited to documents both before and relied upon by the decision-maker, while paragraph 28 confirms an inquiry remains outstanding. **We do not treat the letter as an admission that every unproduced document never existed, or assume that the Commission has accepted a formal certification.** Paragraphs 2–3 of the Practice Direction address relevant documents held by the decision-maker, not merely those affirmatively relied upon.

We ask the Minister to clarify the scope of its searches and whether relevant material was excluded solely because it was not relied upon, including technical-review material held by the planning officials who informed the decision. This does not assume that every document anywhere in government is within the Minister's control. We seek only the following residual confirmations and identifiable records:

**Landholding and Old Queens Road (paragraphs 13–17).** We will arrange independent searches of publicly registered instruments and do not demand duplication. We ask whether any variation of the identified no-subdivision conditions, road-closure instrument, completed conveyance or alternative authority to apply for or use the road lands existed on June 4; which were before Mr. Lewis; and what known particulars permit verification. Documents not considered by him may still bear on an objective prerequisite. Neither absence from his file nor permission to acquire proves the completion status of the transaction.

**Foundational technical categories (paragraph 23).** For the pre-June 4 plans and studies identified in our September 17 request, we ask the Minister to distinguish material already produced, material that existed but was not considered, material held elsewhere, and material confirmed not to have existed. A statement that everything relied upon was produced does not establish which of those situations applies.

**Archaeological and technical-referral material (paragraph 22).** We acknowledge the newly supplied correspondence. The May 20–21, 2026 emails recommend an Archaeological Impact Assessment and identify high archaeological potential, while questioning reliance on discovery during construction. We ask whether an assessment or documented avoidance approach existed before approval, and for the Record reference or express confirmation that neither did. We also ask for the identified preliminary version of the Planning Report, transmitted attachments and any note of the

proposed follow-up discussion, or their existing references. We do not equate a professional recommendation with a proven mandatory permit requirement.

**Public participation (paragraphs 27–28).** We ask for a fixed completion date and the result of the Environmental Land Management inquiry, with any meeting record, recording, revised twelve-hole posting or relevant comment-response material not already produced. If nothing further exists, the Minister should confirm that result.

**Public benefit and shore access (paragraphs 29–30).** We acknowledge the maps but ask for their source dates and an explanation of the added markings and proposition advanced. They do not, without more, establish a legal access right or an implemented access condition. We ask whether additional shore-access analysis or supporting economic material existed and was considered, with precise Record references or an express statement of what is not held or was not prepared. We do not ask that a new economic study be commissioned.

**Later documents (paragraphs 24–26).** We distinguish the historical Record from relevant supplementary evidence. We do not presently seek every later permitting file. The status schedule and operative instruments requested above are needed to identify what is authorized, what was deferred and whether the design changed. If a party relies on a later plan or report to answer the appeal, we seek timely disclosure and a fair opportunity to respond, not retrospective treatment of that document as evidence before Mr. Lewis.

### **Scope of the hearing, future decisions and preservation of rights**

We request that the Commission clarify any disputed scope issue under Rules 31–33 and, if necessary, establish a short interrogatory process under Rule 34. Rules 45–48 permit relevant further evidence and document exchange; admitting later evidence does not change when it was created. The questions of historical sufficiency, current planning merit and the appropriate remedy should remain distinct.

The Appellants maintain their challenge to June 4. They do not consent to treating the acceptability of golf-course use as settled merely because a later permit may be sought. We ask the Minister to state which future decisions it considers appealable, what participation is contemplated, and whether it contends any current ground would be foreclosed later. If that position is disputed, we ask the Commission to define the present issues without purporting to decide the merits or appealability of an unidentified future decision.

We request direct notice to counsel of any later planning decision, with its issue/publication date, instrument, approved plans and stated appeal rights, in addition to ordinary publication. This request is not a substitute for an appeal under section 28 and does not extend a statutory deadline or bring a later decision automatically into LA26008. No existing ground or independent remedy is waived.

We anticipate relying on the Record, the Appellants' factual evidence and relevant departmental witnesses, including Mr. Lewis and Mr. O'Hara. We seek directions concerning witness attendance, questioning and any new opinion evidence. The scope of any independent expert evidence will be addressed once these matters are clarified; this letter makes no final concession about the need for such evidence.

There is no present appetite for mediation in the absence of a concrete proposal capable of resolving the dispute. The Appellants remain prepared to consider such a proposal without interrupting the procedural timetable.

### **Requested response and proposed timetable**

We ask the Minister and, for matters within its knowledge or control, the Developer to respond under the corresponding headings above. Each response should identify existing production references; documents to be produced and dates; confirmed non-existence; matters not yet verified; and any refusal with reasons. A document-specific privilege log should identify privileged material without revealing its substance. Other custody, relevance or confidentiality objections should be particularized. We do not seek privileged advice or the creation of new technical studies.

Subject to Commission approval, we propose:

**Within five business days after service:** current Development Permit/application status, identification of the authority relied upon for ongoing work, and any urgent inspection or follow-up date.

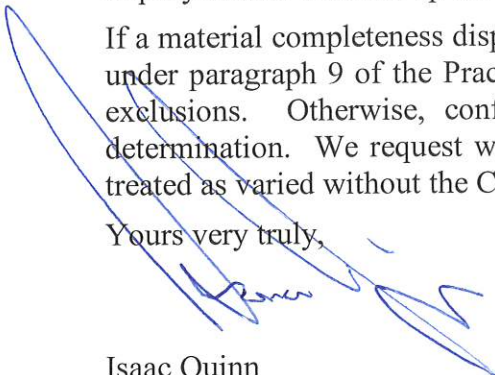
**Within ten business days after service:** the Minister's substantive scope and sequencing position, remaining confirmations, agreed documents and the public-meeting inquiry result; any extension request should identify the specific outstanding item and a firm alternative date.

**Within five business days thereafter:** the Appellants' short list of genuinely unresolved matters following a conference with the parties; then a Commission call at the earliest available date to settle the issues or direct a focused preliminary determination.

At that call, we ask the Commission to reserve hearing dates and set the evidence timetable. Subject to any expert directions, a starting proposal is 30 calendar days for the Appellants' factual evidence following material clarification, 21 calendar days for responding evidence, and seven calendar days for permitted reply, followed by written submissions and a merits hearing. A minor residual production inquiry should not hold up the whole appeal.

If a material completeness dispute remains, we request certification by a knowledgeable representative under paragraph 9 of the Practice Direction, identifying the scope of the search and any outstanding exclusions. Otherwise, confirmed absences should be recorded and their significance left for determination. We request written confirmation of the resulting directions. No existing deadline is treated as varied without the Commission's approval.

Yours very truly,



Isaac Quinn  
Quinn Law Inc.  
Counsel for James and Suzanne Jordan

cc: Christiana Tweedy and Caroline Davison, counsel for the Minister  
Sticks and Stones Developments Inc., c/o Kris Taylor

**Authorities and record references**

References to the October 2 response are to its numbered paragraphs; Record references are to the Minister's August 11 Record. Legislative and procedural sources:

Planning Act, R.S.P.E.I. 1988, c. P-8 — ss. 6(h), 27.1 and 28.

Subdivision and Development Regulations, EC693/00 — ss. 1(g), 4, 5, 13–14, 27–29 and 31–34.

IRAC Rules of Practice and Procedure — rr. 31–34, 45–48 and 56–59.

Practice Direction on Appeal Records — paras. 2–3, 5, 8–9 and 11–14.

Woolfrey v. City of Charlottetown, Order LA26-08 — para. 112 (continuing work and later applications during an appeal).