

IN THE MATTER OF an appeal by
Sheila Gallant of a decision by the
Rural Municipality of North Shore to
amend a zoning map and Land Use
Bylaw on June 30, 2026.

WRITTEN SUBMISSIONS OF THE APPELLANT

OVERVIEW/FACTS

1. These submissions set out the position of the Appellant (“**Ms. Gallant**”) regarding the issues raised by the Respondent (the “**RMNS**”) in its August 25, 2026 Reply to Ms. Gallant’s Notice of Appeal.
2. Ms. Gallant is 77 years old and has lived at the property located at 1519 Route 6, Grand Tracadie (the “**Property**”) all of her life. She has owned the Property since 1970 when she and her late husband were gifted it upon their marriage.
3. On June 22, 2026, the RMNS held a public meeting relation to Amendments to the Official Plan, the Land Use Bylaw, the Land Use Bylaw Zoning map, and other issues (the “**Meeting**”). In particular, residents were asked to comment on the rezoning twenty parcels of land (the “**Affected Properties**”) to a new “Resort”/”RES” designation.
4. Of the twenty Affected Properties, eighteen of the parcels belonged to family members of or corporations belonging to developer Tim Banks. Mr. Banks wants to continue to operate and develop Blackbush Resort, and the rezoning was contemplated in large part to accommodate such operations and development, according to the RMNS.
5. The remaining two parcels of land belong to two individuals unrelated to the Blackbush Resort: one belonging to an individual named Debbie O’Brien, and the second belonging to Ms. Gallant.
6. The Property belonging to Ms. Gallant was to be rezoned from an Agricultural Zone to a Resort Zone.

7. The rezoning of the Property from Agricultural to Resort would mean that, among other things, the use of a single-detached dwelling is no longer a permitted use of the Property. It is unclear what this would mean for Ms. Gallant as the owner of the Property moving forward if she wanted to make any changes to her home.
8. RMNS states that they dropped off letters to be mailed to RMNS residents on June 10, 2026 describing the Meeting and indicating the changes to the Zoning Map related to the Blackbush Resort (the “**Notice Letter(s)**”).
9. Ms. Gallant checks her mail (located away from the Property at a Canada Post community mailbox) at least once a week. However, even on this frequent mail-checking schedule, she did not obtain her Notice Letter until after the Public Meeting.
10. Ms. Gallant learned of the Public Meeting on June 28th at church when a fellow RMNS resident asked her why she wasn’t at the Public Meeting. Upon learning of the Public Meeting, Ms. Gallant went straight to the post office and saw the letter in her mailbox.
11. RMNS published notice in The Guardian on June 10, 2026 about the Meeting.
12. Ms. Gallant is subscribed to The Guardian and reads each issue that she receives. However, The Guardian does not consistently deliver its newspapers to Ms. Gallant’s address (an issue she has frequently raised with The Guardian but delivery is still inconsistent). She did not receive a copy of The Guardian containing an advertisement for the Public Meeting.
13. The lack of actual notice received by Ms. Gallant would have been rectified if the sign requirement found in Section 3.10(13)(b)(ii) had been followed—Ms. Gallant certainly would have noticed a sign on her land. However, this was not completed by the RMNS.
14. Ms. Gallant ultimately did not know about the rezoning and did not have any chance to hear the submissions of the RMNS and her neighbours, and she did not have any chance to respond or bring her concerns forward to the RMNS or the neighbours present at the Public Meeting.
15. Even if Ms. Gallant had been present at the Public Meeting and able to raise her concerns, the rezoning of her Property to a Resort Zone is still highly problematic. Ms. Gallant’s

Property is used as her principal (and only) residence, and she has no intention of using any part of it for resort purposes.

16. The RMNS has not provided any justification for why they decided to single out Ms. Gallant's Property in its rezoning plans. It appears that the inclusion of Ms. Gallant's Property may even be a mistake, given the wording of the materials presented by the RMNS that presume all parcels are part of the Blackbush Resort.
17. We request that IRAC quash the amendments to the Zoning Map and the Land Use Bylaw insofar as said changes affect Ms. Gallant's Property.

LAW AND ANALYSIS

Law relating to notice of meeting

18. The requirements for notice of a public meeting, pursuant to the *Planning Act*, RSPEI 1988, c P-8 and Land Use Bylaw (2021) are as follows:

- a) *Planning Act*:

1. When **recommending to the council the adoption of an official plan or any review of an official plan**, notice must be published at least **twice** in a newspaper circulating in the area, containing the information as outlined by subsection 11(2) of the *Planning Act*, at least seven clear days before the public meeting; and
2. When **creating a bylaw or amending a bylaw in such a manner that requires an amendment to the official plan**, notice must be published at least **once** in a newspaper circulating in the area, containing the information as outlined by paragraph 18(1)(b) of the *Planning Act*, at least seven clear days before the public meeting.

- b) Land Use Bylaw, Section 3.10(13):

1. When there is an application to change a bylaw or the Zoning Map:

- i. There must be notice of a public meeting delivered to owners within 150m of the affected lot(s);
 - ii. The date, place, and time of the public meeting shall be published in a newspaper circulating in the area at least 7 clear days prior to the meeting; and
 - iii. A sign must be placed on the affected land if applicable.
- 19. The requirement of the sign is not going to be applicable in cases where specific land is not affected (e.g. the wording of part of the bylaw is changed but no particular lands are affected over and above any other land).
- 20. In this case, given that the Property was directly affected, the posting of a sign on the Property was required. This was not completed and, given the failure for any notice to reach Ms. Gallant whatsoever, the RMNS failed in their mandated notice requirements and Ms. Gallant was not given an opportunity to hear the discussions at the public meeting or to have her concerns heard.
- 21. If the RMNS intended to rezone Ms. Gallant's Property and it was not a mistake (discussed below), the RMNS ought to have made particular effort to ensure that Ms. Gallant had notice of the Public Meeting, as she was only one of, at most, two individuals unrelated to Blackbush Resort owning land directly affected by the Resort Zone designation. A sign should have been placed specifically on her Property to alert her (and the others around her) to the fact that private individuals' lands were being affected by the Bylaw and Zoning Map changes. It was not just Blackbush Resort lands that were being rezoned, despite what RMNS materials appeared to imply.

Section 3.10(7) of the (pre-amendments) Land Use Bylaw and Objectives of the Official Plan

22. Section 3.10(7) of the Land Use Bylaw that was in effect in 2021 requires Council and the Planning Board to consider the following criteria when reviewing applications for Bylaw or Official plan amendments¹:

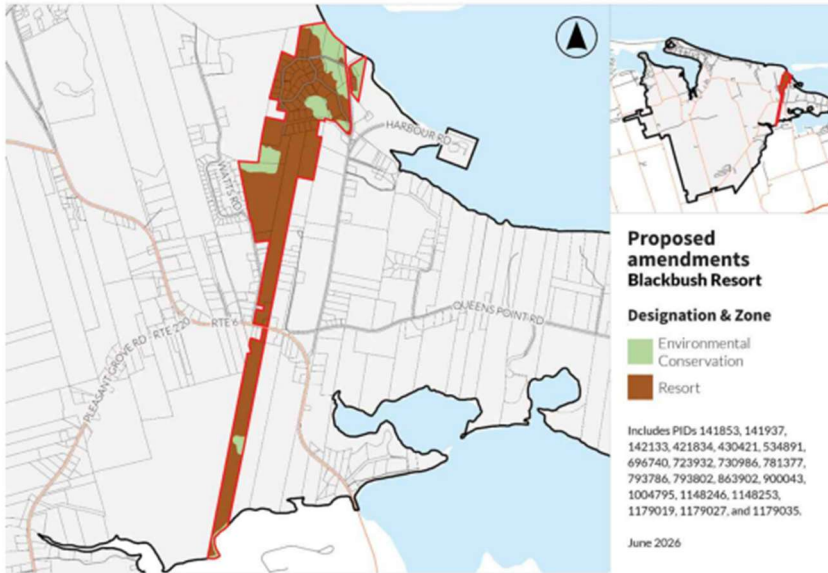
- a) Conformity with requirements and intent of the Bylaw;
- b) Conformity with the policies and objectives of the Official Plan;
- c) Suitability of the site for the proposed development;
- d) Compatibility of the proposed development with surrounding land uses, including both existing and projected uses;
- e) Adequacy of existing or proposed water, sewer, highway or private road, storm water and electrical services, and parks for accommodating the development, and any projected infrastructure requirements;
- f) Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally;
- g) Compatibility of the development with agricultural, environmental, scenic and heritage resources;
- h) Impact on municipal finances and budgets;
- i) Commentary received from the public;
- j) Other matters as specified in the Bylaw; and
- k) Other matters as considered relevant.

¹ Of which changes to the Zoning Map are included – section 3.10(1) of the 2021 Land Use Bylaw

23. Examining the rezoning of Ms. Gallant's Property with these principles in mind, it does not appear on the record that there was any consideration of the above-stated principles 3.10(7)(b, (c), or (d) whatsoever.
24. The RMNS Planning Report speaks very generally and does not acknowledge that there is at least one (and possibly two) landowner(s) who have nothing to do with the Blackbush Resort. In fact, it is not even clear on the record that the RMNS was even aware of the fact that Ms. Gallant's property was included in the mix with the rest of properties relating to Mr. Banks (her neighbours' properties are not included). See, for example, the RMNS Planning Board Resolution Dated June 9, 2026 (full page found on page 138 of the RMNS Appeal Record):
- **Map Amendments: Official Plan Future Land Use Map and Land Use Bylaw Zoning Map** – amendments to PIDs s 141853, 141937, 142133, 421834, 430421, 534891, 696740, 723932, 730986, 781377, 793786, 793802, 863902, 900043, 1004795, 1148246, 1148253, 1179019, 1179027, and 1179035 to apply the Resort designation and zoning for the Blackbush Resort while updating the Environmental Conservation designation and zoning based on more recent environmental mapping on the subject properties.
25. “[Z]oning for the Blackbush Resort” is referenced² – Ms. Gallant's Property, however, is not part of the Blackbush Resort. It looks as though this was missed by the RMNS and Council Members did not turn their mind to how she would be affected because they had assumed all of the lands were owned by companies belonging to/family members related to Tim Banks and used for the purposes of developing Blackbush Resort.
26. It is clear the residents of the RMNS were also under the impression this was only about Blackbush—the letters written focus on Blackbush Resort and its development when considering the amendments.
27. The map supports this error, too: stating “Proposed Amendments – Blackbush Resort”:

² See also the text of the Public Meeting Notice, found at page 154 of the RMNS Appeal Record)

**Rural Municipality of North Shore
Official Plan Future Land Use Map and Land Use Bylaw Zoning Map**



28. This map is found on page 155 of the aforementioned RMNS Appeal Record.
29. Only by going through the parcel numbers and matching them up to owners' names via Geolinc does it become clear that individuals Sheila Gallant and Debbie O'Brien are affected (it is not known if Debbie O'Brien, who owns PID 863902, has any connection to Blackbush Resort, but we assume she does not). It is unlikely that the average RMNS resident would do this (or know how to do this). It is incumbent upon the RMNS to ensure they are presenting accurate information.
30. As a final example, the June 22, 2026 RMNS Public Meeting Unapproved Minutes found at page 157 of the RMNS Appeal Record contains this line:

OVERVIEW

Seven written submissions were received regarding the proposed amendments to the Rural Municipality of North Shore Official Plan and Land Use Bylaw. Six submissions were supportive of, or did not object to, the proposed amendments and the continued development of the Blackbush Resort lands. One submission opposed the rezoning of Blackbush for development.

31. Our view that the RMNS did not even know Ms. Gallant's Property were included in the rezoning activity is bolstered by the fact that no one from the RMNS ever showed up to put a sign on the Property.

32. If the RMNS did not know, it is not reasonable to expect Ms. Gallant to know the Property was included, particularly in light of the defective notice to her.
33. The RMNS did not rezone Ms. Gallant's Property in light of sound planning principles or even the specific new principles articulated by the amendment to the Official Plan. Page 2 of the Official Plan Amendment OPA-2026-05 (Page 170) of the RMNS Appeal Record contains the following addition of a "Section 7.2.7" to the Official Plan:

Resort-oriented mixed-use development may be supported where it contributes to the Municipality's tourism economy, provides recreational or visitor-serving amenities, and is designed to be compatible with the Municipality's rural, coastal, agricultural, and environmental context.

The Resort designation is intended to accommodate land uses that may include tourism establishments, resort residential uses, restaurants, retail stores, health and wellness services, event venues, active and commercial recreation uses, parks, trails, marine access where appropriate, and other complementary uses that support a resort-oriented mixed-use area.

The Resort designation is not intended to enable conventional residential subdivisions or primarily residential development on private roads. **Private residential uses within the Resort designation shall be integrated with and complementary to a resort-oriented mixed-use development, and shall not be the primary purpose of a Resort designation or Resort (RES) Zone amendment.**

Lands shall only be designated Resort where Council is satisfied that the lands are suitable for the intended scale and form of development, and that the development can be supported without undue negative impact on neighbouring properties, agricultural lands, environmentally sensitive areas, public safety, municipal finances, or the broader rural character of the Municipality.

[emphasis added]

34. Page 3 of the Official Plan Amendment OPA-2026-05 (Page 171) of the RMNS Appeal Record contains the addition of a “Section 7.2.8” to the Official Plan. Within that new section, “Plan Actions” is included, the first subsection of which reads:

a) In reviewing an application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone, Council may consider the following, as applicable:

- i. a written description of the proposed resort development, including the intended tourism, residential, commercial, recreational, open space, marine access, and supporting infrastructure uses;
- ii. a concept plan showing the general location of proposed land uses, development areas, lots or development blocks, roads, private roads or rights-of-way, trails, parking areas, open space, environmental features, buffers, and servicing infrastructure;
- iii. the proposed number and general type of lots, dwelling units, accommodation units, commercial buildings, recreational facilities, and other major development components;
- iv. the proposed phasing of subdivision and development;
- v. the proposed means of water supply, wastewater treatment, stormwater management, and utility servicing;
- vi. the proposed road, private road, access, emergency access, parking, pedestrian circulation, and active transportation network;
- vii. the proposed ownership, maintenance, and management structure for private roads, private services, open space, trails, recreational amenities, and other common infrastructure;
- viii. whether the proposed development includes a meaningful tourism, recreation, accommodation, visitor-serving, commercial, open space, or resort amenity component sufficient to establish the

development as a resort-oriented mixed-use development rather than a conventional residential subdivision;

- ix. identification of wetlands, watercourses, dunes, coastal areas, environmental buffers, flood-risk areas, erosion-risk areas, and any other environmentally sensitive features;
- x. a description of measures proposed to avoid or mitigate impacts on adjacent land uses, agricultural lands, natural areas, public access, traffic safety, municipal services, and municipal finances;
- xi. any proposed covenants, easements, subdivision agreements, development agreements, utility agreements, or other instruments intended to implement or maintain the resort development; and
- xii. any additional information required by Council or the Development Officer to determine whether the proposed Resort designation and/or Resort (RES) rezoning is consistent with the objectives and policies of this Plan.

- 35. There is no indication that any of this analysis was undertaken for Ms. Gallant's Property, despite the fact that, uniquely among the other rezoned lands, her Property has nothing to do with Blackbush Resort and would not be able to be grouped in with an analysis of Blackbush Resort. Her Property is of an entirely different character than a tourist attraction.
- 36. The considerations in the remaining subsections of Section 7.2.8 (subsections 7.2.7(b) – g) go similarly unaddressed.
- 37. In the Planning Report dated June 3, 2026 and found at pages 121-122 of the RMNS Appeal Record, professional planner Darian Shakerinia reviews the context of the new Resort designation and confirms that residential use must be secondary to resort development in Resort-designated lands:

Resort-Oriented Development

The amendments add a new policy framework for Resort-designated lands. This includes a new Resort Designation Policy and a new Resort Redesignation and Rezoning Policy. These policies establish when resort-oriented mixed-use development may be supported and set out the information Council may require when considering applications to designate land as Resort or rezone land to the Resort (RES) Zone. **The policies distinguish resort development from conventional residential subdivision and require any residential component to be integrated with, and secondary to, a broader resort-oriented development.**

[emphasis added]

38. The rezoning of the Property runs afoul of the brand-new amendments to the Official Plan—the primary (and exclusive) use of the Property is private residential use and is not integrated with a resort-oriented mixed-use development. The Property is not compatible with a Resort designation.
39. Despite this issue, however, the RMNS has provided no reasoning or justification for rezoning the Property.
40. Council should have declined to rezone Ms. Gallant’s Property to RES, in line with Section 7.2.8(e), which states:

Council may refuse an application to designate lands as Resort and/or rezone lands to the Resort (RES) Zone where Council determines that the proposed development is primarily a conventional residential subdivision, that private residential uses are not sufficiently integrated with or functionally related to a resort development, or that the proposed resort, tourism, recreation, accommodation, visitor-serving, commercial, open space, or resort amenity components are speculative, incidental, or insufficient to support the Resort designation.

Environmental concerns

41. The rezoning of the Property is not in line with the RMNS's stated environmental objectives in section 10 2026 Official Plan (found at page 256 of the RMNS Appeal Record), where the RMNS identifies that the environment should be protected from development.
42. Ms. Gallant recognizes that the Blackbush Resort will be developed in accordance with Resort zoning. However, the rezoning of the Property in particular raises environmental concerns, particularly when such rezoning is unnecessary.
43. Ms. Gallant was concerned when she filed her Notice of Appeal that the rezoning of the Property would, in some manner or another, result in changes to the landscape of her Property. The creation of the Resort Zone appears to contemplate the intensification of use of parcels of land in the RMNS and makes environmental considerations (that would otherwise be important to the RMNS) take a back seat.
44. Ms. Gallant's fears proved correct when Tim Banks' workers showed up at her Property one day in September demanding access to clear-cut a wide path through her Property right next to her home.³ Banks' workers had already clear-cut a wide path through the land across the street and they wanted to do something similar to the Property. This would have required the destruction of several old and important trees located on the Property.
45. Ms. Gallant ultimately obtained an emergency injunction in the Supreme Court of Prince Edward Island preventing any alterations of her Property. The legal action relating to this proposed clear-cutting is ongoing.
46. There was no consideration from the RMNS about the environmental impact of rezoning the Property. And now these environmental impacts appear to be on the horizon.
47. The unnecessary rezoning of Ms. Gallant's Property to a Resort Zone ultimately does not comply with the environmental objectives of the Official Plan.

³ <https://www.cbc.ca/news/canada/prince-edward-island/pei-grand-tracadie-woman-battling-developer-bike-path-9.7357188>

Conclusion

48. Ms. Gallant was not given adequate notice about the rezoning of her Property. The rezoning of the Property to a Resort Zone serves no useful purpose, if it was intended at all, and comes with it significant problems. The RMNS did not consider how Ms. Gallant's Property would be affected by a rezoning, as evidenced by the materials provided by the RMNS in their Appeal Record. Given there is no justifiable reason to rezone the Property, and given the lack of any proper consideration of the Land Use Bylaw or Official Plan (in particular the brand-new sections that introduce and describe the necessary characteristics of a Resort Zone), we request the changes to the Zoning Map and Land Use Bylaw, insofar as they specifically affect Ms. Gallant's Property, be quashed.

Yours truly,

Heritage Law



Deanna R. Kerry