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Date: September 12, 2025

Re: Appeal LA24011 - Rural Municipality of Miltonvale Park's Decision and Ministerial Approval of Official Plan and Future Land Use Map Amendments

Dear Commissioners,

The Appellants respectfully submit the following in relation to Appeal LA24011.

It is our view that the Commission holds jurisdiction to hear this matter. Section 28) of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, expressly states that an aggrieved person(s) may appeal a decision of the Minister ...” Sections 17 of the Act further confirm that an Official Plan amendment, once approved by the Minister, remains in legal effect unless and until it is repealed or replaced in accordance with the Act.

The subsequent repeal of the companion rezoning bylaw does not extinguish the Minister's approval of the Official Plan and Future Land Use Map (“FLUM”) amendments. That approval remains a binding administrative act with ongoing legal effect and would appear to belong within the Commission's statutory jurisdiction.

The Commission is also the only independent body charged with safeguarding accountability over Ministerial decisions in *Special Planning Areas*. Without Commission oversight, there would be no effective mechanism to ensure that such decisions are consistent with law, policy, and procedural fairness.

Continuing legal effect

Section 15(2) of the *Planning Act* requires every zoning bylaw to conform to the Official Plan. The Minister's approval therefore continues to bind future rezonings. Residents remain subject to this framework so long as the amendments stand. With the site-specific rezoning repealed, the Minister-approved amendments may now lack their original planning rationale, creating a potential inconsistency with the Official Plan that the Commission would be empowered to correct.

Capable of Repetition (Loophole Effect)

The same or substantially similar rezonings may be reintroduced at any time, insulated by the amended Plan. If repeal were sufficient to defeat jurisdiction, municipalities could pass linked amendments, await an appeal, and then strategically repeal one instrument to shield the other from review. Such a loophole would defeat the statutory right of appeal and undermine the integrity of the planning system.

Withdrawal of Appeal

We acknowledge that the merits are not currently before the Commission for adjudication. We will therefore withhold submissions of such at this stage. We note only that our merits are well-grounded and will be advanced should the developer reapply to rezone the subject lands (PID 283325 and 658799).

In light of Council's repeal of the companion rezoning bylaw, the Appellants hereby withdraw Appeal LA24011. We thank the Commission for its time and consideration in reviewing this matter.

Respectfully submitted,

Appellants:
Gezinus Vos
David and Eva Mol
Dean and Anne MacQuarrie