

June 6, 2025

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**VIA EMAIL**

File 26241.00001

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Dear All:

**Re: Appeal #LA25004 – Charlie Hicken v. Town of Three Rivers  
Application to be Added Party Intervener**

We are the lawyers for Jan Matejcek (the “**Applicant**”). The Applicant is the owner of the lands known municipally as 115 Penn Point Rd, in Vernon Bridge (“**Subject Lands**”). The Subject Lands consist of 225 acres of land, some of which is rented to farmers and some is being used to grow trees for the Applicant’s own native tree nursery, an operation which currently employs four staff.

**The Reasons for the Application to be Added as a Party Intervener**

The approval of the development located at 805 Brudenell Point Road, PID #1107382 is of significant concern to the Applicant due to a number of fundamental inconsistencies in application

materials, as well as the impact that this proposed development may have on the Applicant and the Subject Lands. Moreover, it is the position of the applicant that the development is not lawful, in the public interest and does not represent good land use planning.

Specifically, the Applicant is concerned that the basic parameters of the proposed development, as found in the Master Plan created for this proposed development, is unclear and inconsistent. A few examples of these inconsistencies are as follows:

- The size of the proposed development has variously been identified as being 200,000 square feet and in other cases, up to 650,000 square feet;
- The construction period has been said to be 10 years in some cases and up to 15 years in other cases;
- The use of the proposed buildings has not been properly described and a number of terms regarding these buildings have been used interchangeably without any clarity on the actual use;
- It is unclear whether the approval granted as a result of the Environmental Impact Assessment Application considered the number of alternatives in the scope of the proposed development and is sufficient to ensure compliance with the *Environmental Protection Act* RSPEI 1988, Cap. E-9; and,
- The proposed development fails to identify the number of occupants should the development be up to 650,000 square feet instead of the considered 200,000 square feet, and the impacts associated with the number of occupants proposed.

Further, while it is acknowledged that the Tree Rivers Official Plan contemplates some level of growth associated with GEBIS and GWBI Buddhist Groups, that growth must occur in the context of the objectives of the Official Plan. Specifically, Growth is to occur in a manner that is based on sound planning principles and with regard for fiscal responsibility, maintenance of community character, protection of natural features and resources. It is submitted that the approval does not conform to the policies of the Official Plan in this regard.

The Applicant also has concerns with the process that was followed by the Town of Three Rivers in granting the development approval. These concerns include deficiencies in the required public meeting, as well as potential conflicts of interest by the various parties involved in the approval processes.

In order to see this matter through, it is appropriate to grant the Applicant Added Party Intervener status so he can fully participate in the Appeal as a party and submit evidence, cross examine witnesses and make submissions which the Applicant believes will assist the Commission in its consideration of the merits of the Appeal.

The Applicant's interest is distinct from the parties and adversely affected by the decision of the Commission as he represents the perspective of a large land owner, with a significant commercial and farming interest on the Subject Lands. The impact of this proposed development on the Subject Lands is undeniable, and has been acknowledged by the Master Plan and in correspondence to the Department of Communities, Land and Environment related to the proposed development in which it is stated that the proposed development will have a PEI-wide impact.

The Applicant submits that his participation in the Appeal will not materially add to the cost and complexity of the proceeding. It is expected that a limited number of witnesses would be called, and the Applicant's submissions would be of assistance to the Commission so it has the balanced perspective of a neighbouring significant land owner.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

**WeirFoulds LLP**



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