Reset Form

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)

TO: **The Island Regulatory and Appeals Commission**
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of _____ (name of City, Town or Community) on the 13th day of December, 2022, wherein the Minister/Comunity Council made a decision to deny permits for PID 931741, 158 Paradise Drive, Little Pond under the file numbers M-2022-0160, M-2022-0161 and M-2022-0162

_____(attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the ***Planning Act,*** the grounds for this appeal are as follows: (use separate page(s) if necessary)

SEE SCHEDULE A FOR THE RATIONALE SUPPORTING THIS APPEAL.

The decisions were based on rationale that is false, as well as inapplicable, biased and/or arbitrary/subject

- Public health and safety is not impacted; there is no detrimental impact.

- Orderly and sustainable development of safe and healthy communities is not impacted.

Further, the Minister is applying their own provisions inconsistently, thereby unfairly and unjustly to me.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the ***Planning Act,*** I/we seek the following relief: (use separate page(s) if necessary)

Approve the permits.

Further, cease and desist the allowed and continued harassment and vexatiousness towards me and my property.

SEE SCHEDULE B FOR RATIONALE FOR THE REQUESTED RELIEF.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): Betty Ann Bryanton (Please Print)

Signature(s) of Appellant(s): 

Mailing Address: 1129 Apolydor Ave

City/Town: Ottawa

Province: ON

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Telephone: 613-731-1205

Dated this 03 (day) **day of** January (month), 2023 (year).

IMPORTANT

Under Section 28.(6) of the ***Planning Act***, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the ***Planning Act*** and will be used by the Commission **in processing this appeal. For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.**

Schedule 'A' - Supporting Rationale

Re: Appeal of M-2022-0160, -0161, -0162

My grounds of appeal include, but are not limited to, that unnamed officials reporting to the Minister have made decisions that are arbitrary, full of errors of fact, highly inconsistent using an inapplicable and false narrative that is not based on prescribed guidelines in the *Planning Act* or the *Planning Act* Subdivision and Development Regulations.

1. Officials have acted unprofessionally, demonstrated in the many years (since 2015) of reversing their decisions, contradicting their verbal assurances made to me which cost me substantial energy and financial resources to the point where they now seemed to be guided by outside influences, not the facts at hand.

2. My permits conform to the *Planning Act* and its regulations. The officials' suggested 'rationale' for denying my permits are full of errors of fact. They are not supported by the evidence. Added grounds may appear once the Appellant has received full disclosure of the relevant file materials.

3. In the 'C Reasons' section, they states that A2 & A3 are "being used as **apparent** (my emphasis) shelters/bunkees." This is not true. The officials who attended my property without warning, viewed this and falsely declared the opposite. We live in our small cottage and also enjoy tenting, which was fully in view. How did their apparitions become 'reasons?'

4. The storages shed are clean and painted. Since the officials did not examine them, how could they declare "detrimental impact to public health and safety?" This was so obvious, one wonders their motivations for saying the opposite.

5. Officials are applying judgments inconsistently, thereby unfairly to me. The PEI Planning Decisions website proves this, for we can see other single PIDs that have had multiple development permits approved, and in some cases, those multiple development permits (for one PID) were for multiple accessory buildings / storage. Also, we see that permits were approved for a 'she shed' and a shipping container.

6. The officials state that my storage units are 'unnecessary.' This is an arbitrary decision. It is not supported by the Planning Act, therefore is subjective, and indeed, biased since the evidence in front of their eyes proves the opposite.

7. The officials uses the word "average." The use of 'average' is an arbitrary term that means there are some that are more, some that are less. This is not a valid reason, and again is biased.

8. The officials state that A4 is unnecessary since the composting toilet will be removed, another arbitrary decision. First, there is no guideline to support how much storage is necessary. Consider the many items a family might store in a basement, attic, multiple closests, attached garage. Second, we have a dwelling unit with a very small footprint, since we are environmentally-minded; therefore, we do not have enough storage space in our dwelling unit. All accessory buildings (which only total 305 sq. ft., less than a 2-car garage) are necessary for storage (e.g., a picnic table takes up a whole shed; shovels and

yard implement plus take up another; items necessary for repair, extra boards, paint, shingles, etc. take up a third. Bulky items like blankets, pillows, warmer clothing and outdoor camp chairs take up another). There are no guidelines telling property owners how many items a property owner is allowed to own and require storage for. This is entirely arbitrary and rationale, and invalid for denial of any permit.

9. Officials state that the placement of A2 & A3 is not 'orderly' for the use as storage. This is an another arbitrary opinion. There is no guideline in the Planning Act for this. We have a long rectangle one acre property. When doing yard work at the bottom of the property, it is a long walk to the top of the property; therefore, suit the needs of working the property and not applying undue stress of the body walking and carrying things back and forth, A3 in particular is a perfect placement for supporting this work. Any items desired to carry to the beach (accessed from the bottom of the property) are best stored in this location.

10. The officials have reversed their decisions / changed their minds many, many times — too much to list all here. We've complied each time and have only ever attempted to work with them.

11. Finally, the decisions on my permit applications came just before Christmas which put me at a disadvantage, not able to have time or get counsel during the holidays. This was unfair.

Schedule 'B' - Supporting Rationale for the Requested Relief
Re: Appeal of M-2022-0160, -0161, -0162

Contrary to the Minister's arbitrary assessment using false information, since A2 & A3 are not being used as shelters/bunkees, there is no risk to public health and safety and there is no violation of subsection 3.(2)(a), (d) and (e) of the Planning Act Subdivision and Development Regulations.

Further, contrary to the Minister's arbitrary assessment using false information, since A2 & A3 are not being used shelters for human occupancy, there is no violation of section 34 of the Planning Act Subdvision and Development Regulations.

Based on the reasons above, I request the Minister approve the permit applications for A2 and A3.

Contrary to the Minister's arbitrary assessment of the needs of a property owner to store items and the Minister's own inconsistent conduct of applying their approvals/denials of development permits, I request the Minister approve the permit application for A4.

Further, I request that the Minister and the Island Regulatory Appeals Commission cease and desist the allowed and continued harassment and vexatiousness towards me and my property.

Since 2015, I have been continually bullied by an unsatisfied cottage neighbour when I have complied with all changes in decision by the Minister and complied with all Regulations. The Minister is not only allowing this vexatiousness to continue, but the Minister seems to be also swayed by the vexatiousness of that neighbour (noting that much of the rationale is very similar to rationale the neighbour has used previously).

"Vexatious" is an action which is brought solely to harass or subdue an adversary. (The neighbour is harassing me and treating me as an adversary.) It may take the form of a primary frivolous claim [which I believe the original 2015 appeal was (verbally indicated to me that I was obstructing their view with the A3 8x12 foot building)] or may be the repetitive, burdensome, and unwarranted filing of meritless motions [seven years of repetitive appeals and required re-filing of permits]. Filing vexatious claims is considered an abuse of the judicial and may result in sanctions against the offender. — I believe the neighbour and their swaying of the Minister with arbitrary assessments of my property is an abuse of the process and should result in an Order to them to cease and desist interferring with the process. We fear for our own health and safety!