

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to s.28 of the
Planning Act, RSPEI 1988 c. P-8 by Kris Currie and Carl
Currie regarding PID #201509 & 201517, located at Route 19,
Afton, Prince Edward Island

**BOOK OF DOCUMENTS REGARDING JURISDICTION
PREPARED BY THE MINISTER OF HOUSING, LAND AND COMMUNITIES**

**Richard A. Collier
& Caroline Davison**
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Lawyers for the Minister of
Housing, Land and Communities**

**David Hooley, K.C.
& Melanie McKenna**
Cox & Palmer
95 Queen Street, Suite 600
Charlottetown, PE
C1A 4A9

Lawyers for the Appellants

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| <u>Tab</u> | <u>Description of Document</u> |
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| 1. | Letter from Dean Lewis, Senior Development Office, Case # 56807, dated August 16, 2023 |
| 2. | Notice of Appeal dated on and received by IRAC on September 06, 2023 |
| 3. | Subdivision of Land and Change of Use Application for PID #201509/201517 and attachments thereto, dated and received on July 17, 2023 |
| 4. | Communications with Applicant <ol style="list-style-type: none">Email from Carl Currie to Dean Lewis Attaching Application for Subdivision for PID #201509 & 201517 dated July 17, 2023Email thread between Carl Currie and Dean Lewis dated May 26, 2023 to August 14, 2023 |
| 5. | Interdepartmental Communications <ol style="list-style-type: none">Email from Cindy MacMillan to Dean Lewis dated September 01, 2023Email thread between Dean Lewis, Eugene Lloyd and Jewel MacKinnon dated July 17, 2023 |
| 6. | Minutes from Rural Municipality of West River Council Meeting, October 6, 2023 |
| 7. | Letter from Minister of Housing, Land and Communities with attachements, dated July 20, 2023 |
| 8. | Notice published in the Royal Gazette August 5, 2023 |
| 9. | <i>Planning Act</i> , RSPEI 1988, c P-8 |

TAB 1



Housing, Land
and Communities

Logement, Terres
et Communautés



Land Division
31 Gordon Drive
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Division de terres
31, promenade Gordon
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

August 16, 2023

Kris Currie / Carl Currie
40 Quest lane
Afton PE.
C0A1H2

Dear Applicant:

Re: Action Required Property # 201509/201517, Community of Afton, Subdivision Case # 56807

In accordance with subsections 8(1) and 9(1) of the *Planning Act*, subsection 2(1) of the *Planning Act* Subdivision and Development Regulations, and subsection 1(1) of the Province-Wide Minimum Development Standards, as of July 20, 2023, the Rural Municipality of West River is now the authority having jurisdiction over your application to change the use of a property located in the Community of New Dominion.

What does this mean?

Upon Ministerial approval of a new municipal official plan for a Municipality, all planning and development Authority is transferred from the Minister of Housing, Land and Communities ("Minister") to the Municipality. Once the official plan is approved, the Minister no longer has any legislated authority to make land use decisions within the municipality's boundaries.

Application case #56807 is located in the Rural Municipality of West River. The Municipality's Official Plan was approved by council of the Municipality on October 6, 2022 and approved by the Minister on July 20, 2023. Once the Official Plan is approved, the ability of the Minister to make a decision on the land ceases and the Municipality takes over.

As such, the Minister no longer has the legislated authority to either approve or deny your application for subdivision. This authority now rests with the Municipality.



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et Communautés



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C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

What happens next?

In an effort to make this change of responsibility as smooth as possible, the Minister offers the two following options:

1. The Municipality shall require submission of a new application and applicable fees paid. Upon receipt of the new application and fees paid to the Municipality, the Department of Housing, Land and Communities will forward any pertinent information contained in our file for case # 56807 to the Municipality for review based on their new Official Plan and associated bylaws. The application fees paid to the Province will be refunded, in accordance with the Department's refund policy.
2. Withdraw application case #56807 from the Department of Housing, Land and Communities and the application fees will be refunded, in accordance with the Department's refund policy. You may then apply to the Municipality at your own convenience.

Should you not accept the Minister's decision regarding the lack of jurisdiction to either approve or deny the application, then you may appeal the matter to the Island Regulatory and Appeals Commission. An appeal must be filed with the Island Regulatory and Appeals Commission within 21 days of the date of this letter. For more information about commencing an appeal, please contact the Island Regulatory and Appeals Commission directly.

If you have any questions regarding the above, please contact Dean Lewis at dhlewis@gov.pe.ca or (902) 838-0650.

Yours sincerely,

Dean Lewis
Senior Development Officer



Housing, Land
and Communities

Logement, Terres
et Communautés



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Prince Edward Island
Canada C1A 7N8

Division de terres
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C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

Name: Kris Currie & Carl Currie

Property #: 201509/201517

Option 1:

_____ I(We) instruct you to submit application case #56635 to the Municipality as described in option 1. In doing so, I (we) expressly acknowledge that my (our) personal information may be disclosed and where applicable we consent to its disclosure for this purpose.

OR

Option 2:

_____ I(We) hereby withdraw application case #56635 as described in option 2.

Dated this _____ day of _____ 2023.

Signature(s): _____

Name(s) (Print): _____

Please email this completed form as soon as possible to the Land Division at:

_____ Tel/Tél : (902) 368-5280 princeedwardisland.ca Fax/Téléc : (902) 368-5526 _____

TAB 2

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 N/A (name of City, Town or Community) on the 16 day of August, 2023, wherein the Minister/Community Council made a decision to determine that it lacks jurisdiction to approve or deny Application Case 56807 and that the Rural Municipality of West River is the appropriate Authority Having Jurisdiction.
(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 Appendix "A"

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)
see Appendix "A"

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

Name(s) of
Appellant(s): Kris & Carl Currie
Please Print

Signature(s) of
Appellant(s): Melinda Currie
for the Appellants

Mailing Address: Cox & Palmer - 97 Queen Street

City/Town: Charlottetown

Province: Prince Edward Island

Postal Code: C1A 4A9

Email Address: dhooley@coxandpalmer.com

Telephone: 902-628-1033

Dated this 6 day of September, 2023
day month 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.

NOTICE OF APPEAL (continued)
Pursuant to section 28 of the Planning Act

TAKE NOTICE that Kris and Carl Currie (the “Appellants”) hereby appeal the decision of the Minister responsible for the administration of various development regulations of the *Planning Act* (the “Minister”) on the 16th day of August 2023, wherein the Minister determined that it lacks jurisdiction to approve or deny Application Case 56807 (the “Application”).

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the grounds for this appeal are as follows:

- the Minister erred in finding that it lacks jurisdiction to approve or deny the Application;
- the Minister erred in finding that as of July 20, 2023, the Application must be determined by the Rural Municipality of West River (the “Municipality”) in accordance with its Official Plan;
- the Minister erred in providing the Appellants two options, both of which fail to consider the common law principle of vested rights, which dictates that the Application must be determined by the applicable law in force at the time the Application was made (see: *Ottawa (City) v Boyd Builders Ltd.*, [1965] SCR 408 and *Dikranian v. Quebec (Procureur général)*, 2005 SCC 73);
- the Minister failed to provide sound reasons for their decision;
- the Minister acted arbitrarily and violated its common law duty of procedural fairness and the principles of natural justice; and,
- such further or other grounds as may be revealed upon review of the full record as produced by the Minister

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the Appellants seeks the following relief:

- the Appellants request that the Commission allow this appeal and remit the Application back to the Minister to decide said Application in accordance with the *Planning Act* and Regulations;
- or, in the alternative,
- the Appellants request that if the Commission determines that the Municipality has jurisdiction over the Application, that the Municipality shall apply the *Planning Act* and Regulations to the Application, and more specifically, the Municipality shall not apply its Land Use Bylaw and Official Plan.

DATED this 6th day of September 2023.


for David Hooley, K.C.
Cox & Palmer
97 Queen Street, Suite 600
Charlottetown, PE C1A 4A9
dhooley@coxandpalmer.com

TAB 3

PAID

10 Lot

JUL 17 2023

Amount
Receipt #1180.00
4255

Subdivision of Land and Change of Use Application

This application is to be used for any of the following:

- subdivide a parcel of land into smaller lots
- change the current use of a parcel of land
- change the use of an approved subdivision
- consolidate multiple lots into one
- appendage to a parcel/lot

| Office Use Only | |
|-------------------|---|
| Sub. Case File #: | |
| Permit #: | |
| PID#: | |
| Permit Fee: | |
| Received: | |
| PIC Verified: | <input checked="" type="checkbox"/> July 18/23 KH |

Property Information:

| | |
|------------------------------------|-----------------------------|
| Property Tax Number: 201509/201517 | Lot Number - if applicable: |
| Civic Address Number: | Street Name: Route 19 |
| Route No: 19 | Community: Afton |

Property Owner Information:

| | | |
|---|---------------------|----------------------|
| Full Legal Name: Carl Currie & West River Properties Inc. | | |
| Company Name: | | |
| Street Address: 129 Goose Creek | | |
| Community: Afton | Province: PE | Postal Code: C0A 1H2 |
| Email: CarlCurrieCountryview@gmail.com | Phone: 902 628 9522 | |

Applicant Information if different from Owner:

| | | |
|--|---------------------|----------------------|
| Full Legal Name: Kris Currie & Carl Currie | | |
| Company Name: 24 East Properties | | |
| Street Address: 40 Quest Lane | | |
| Community: Afton | Province: PE | Postal Code: C0A 1H2 |
| Email: Kris @ Countryviewgolf.com | Phone: 902 940 0269 | |

What is the property currently used for?

- ☒ Residential (Single-unit)
 ☐ Residential (Duplex)
 ☐ Residential (Multi-unit)
 ☐ Rental accommodation
 ☐ Commercial
 ☐ Industrial
 ☐ Institutional
 ☒ Agricultural
 ☐ Aquaculture/Fisheries
 ☐ Forestry
 ☐ Recreational
 ☐ Resource
 ☐ Home-Based Business
 ☐ Other:

Proposed use of the land:

| |
|------------------------|
| Single family housing, |
|------------------------|

Case-56807

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

☒ Yes ☐ No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

☒ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental accommodation
☐ Commercial ☐ Industrial ☐ Institutional ☒ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-Based Business ☐ Other: _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

- What will be the hours of operation? _____
- How many staff are you intending on having at his location? _____
- Will there be onsite parking for staff? ☐ Yes ☒ No ☐ N/A
- Will there be shipping and/or receiving operations? ☐ Yes ☒ No ☐ N/A

Please describe the business operations you will be undertaking on this site:

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? ☒ Yes ☐ No 10

If yes, how many new lots are you looking to create?

If 1 to 5 lots - please see detailed Additional Requirements listed in Section 1 on the next page

If 6 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☒ No

How will the proposed subdivision receive sewer service?

☒ New on-site septic ☐ Existing on-site system
☐ Municipal wastewater treatment ☐ Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply?

☒ New on-site well ☐ Existing on-site well ☐ Municipal water ☐ Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: _____ ☒ Yes ☐ No

Is this property identified under the PEI Lands Protection Act? ☐ Yes ☒ No

10800-001 M

SUBDIVISION OF LAND – REQUIREMENTS

1) Five (5) Lots or Less - (1 to 5 lots)

With the completed application the following is required:

- a. **Completed sketch of the property as outlined on page 5 showing the true shape and dimensions of the property being subdivided. The lot(s) must be indicated on the map, outlined in red and displaying the dimensions of the lot(s) and size of the lot(s) in acres or square feet. All proposed access roads or rights-of-way to the lot(s) must be shown on the map.**

2) More than five (5) lots - (6 or more lots)

With the completed application the following is required:

- a. **Preliminary Survey plan completed by a surveyor. Ensure the surveyor shows the following information in their Preliminary Survey Plan:**

- ✓- the true shape and dimensions of the property being subdivided and the proposed lots
- ✓- all proposed access roads or rights-of-way to the lots
- ✓- a key plan indicating the general location of the proposed subdivision
- ✓- a North point indicator and the scale of the plan
- ✓- the location of all existing buildings or structures on the lots being proposed, or within 100 feet (30.4 metres) of the proposed subdivision
- NA ✓- existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems
- ✓- proposed or existing private right-of-ways or easements, and proposed or existing entranceways to a highway
- ✓- land proposed for buffers, walkways, open space, recreation areas, parks, or other public use
- ✓- watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas, or conservation zones on, or adjacent to, the proposed subdivision
- ✓- elevation contours and the drainage pattern within the proposed lots, and within 300 feet (91.4 m) of the boundaries of the proposed subdivision
- ✓- the proposed use of the lots
- ✓- proposed stormwater drainage patterns for water within and leaving the subdivision

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps. Staff may also carry out a site inspection to complete their application review.

Declaration

I, Carl Currie hereby certify that I am (select one)

- ☒ the registered owner of the land proposed for development ☐ authorized to act on behalf of the registered owner of the land proposed for development

and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Subdivision of Land and Change of Use Application to proceed. This documented proof must be supplied at time of application.

| |
|--------------------|
| <u>Carl Currie</u> |
| |
| |

| |
|------------------------|
| Date <u>July 17/23</u> |
| Date |
| Date |

Applicant:

| |
|--|
| |
|--|

| |
|------|
| Date |
|------|

Submit Applications To:

- Land Division – 31 Gordon Drive, Charlottetown, PE
- Access PEI O'Leary – 45 East Dr, O'Leary, PE
- Access PEI Summerside – 120 Heather Moyse Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

10 Lots paid

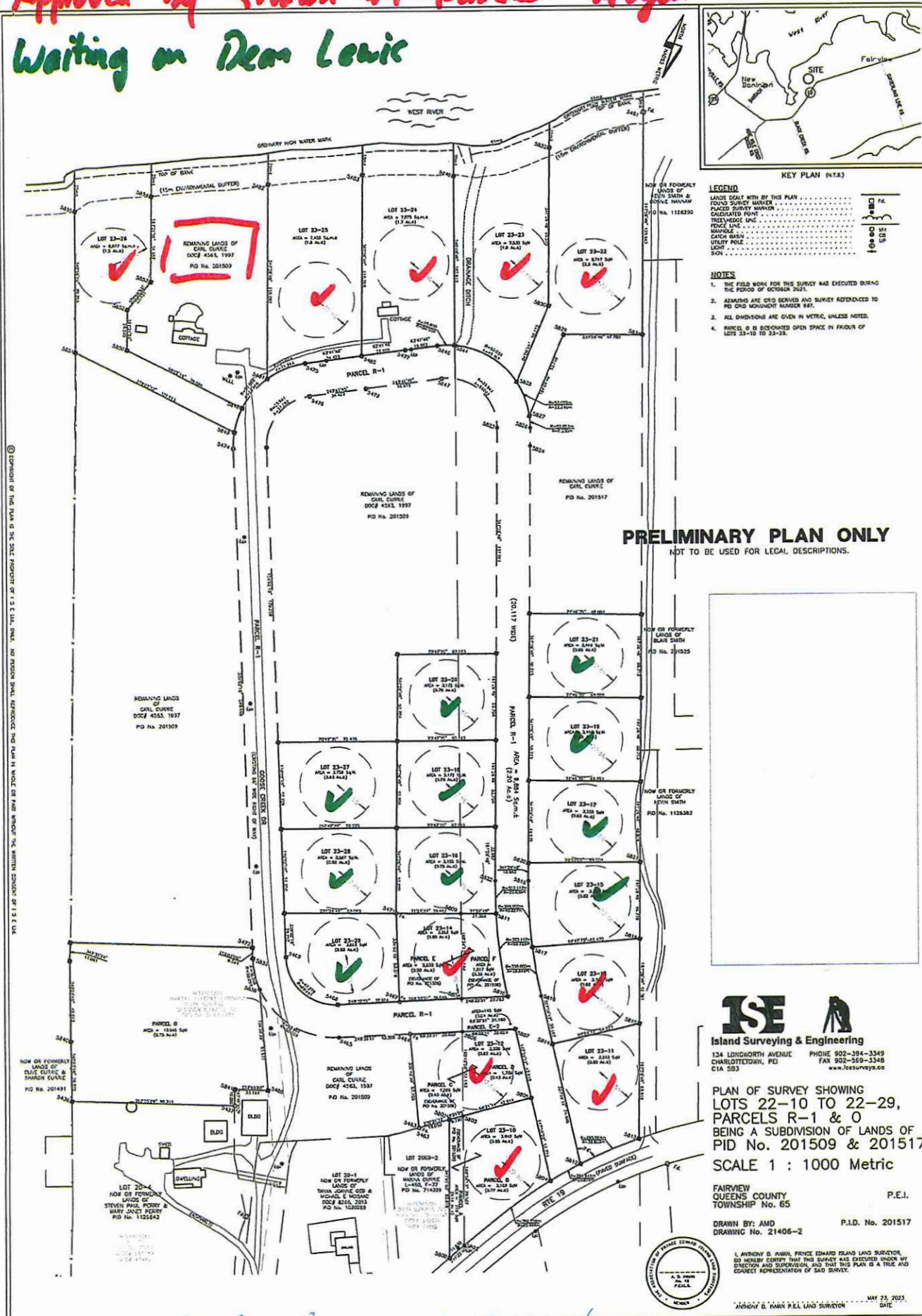
Office Use Only

SUBDIVISION & CHANGE OF USE FEES

| | | |
|---|---|-------|
| Subdivision of Land (\$110 for the first lot)..... | = | _____ |
| Additional Lots (\$55 for each additional lot)..... | = | _____ |
| Change of Use (\$110 for the first lot)..... | = | _____ |
| Change of Use for Additional Lots (\$55 for each additional lot)..... | = | _____ |
| Total _____ | = | _____ |

Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landsdivision@gov.pe.ca for more information.

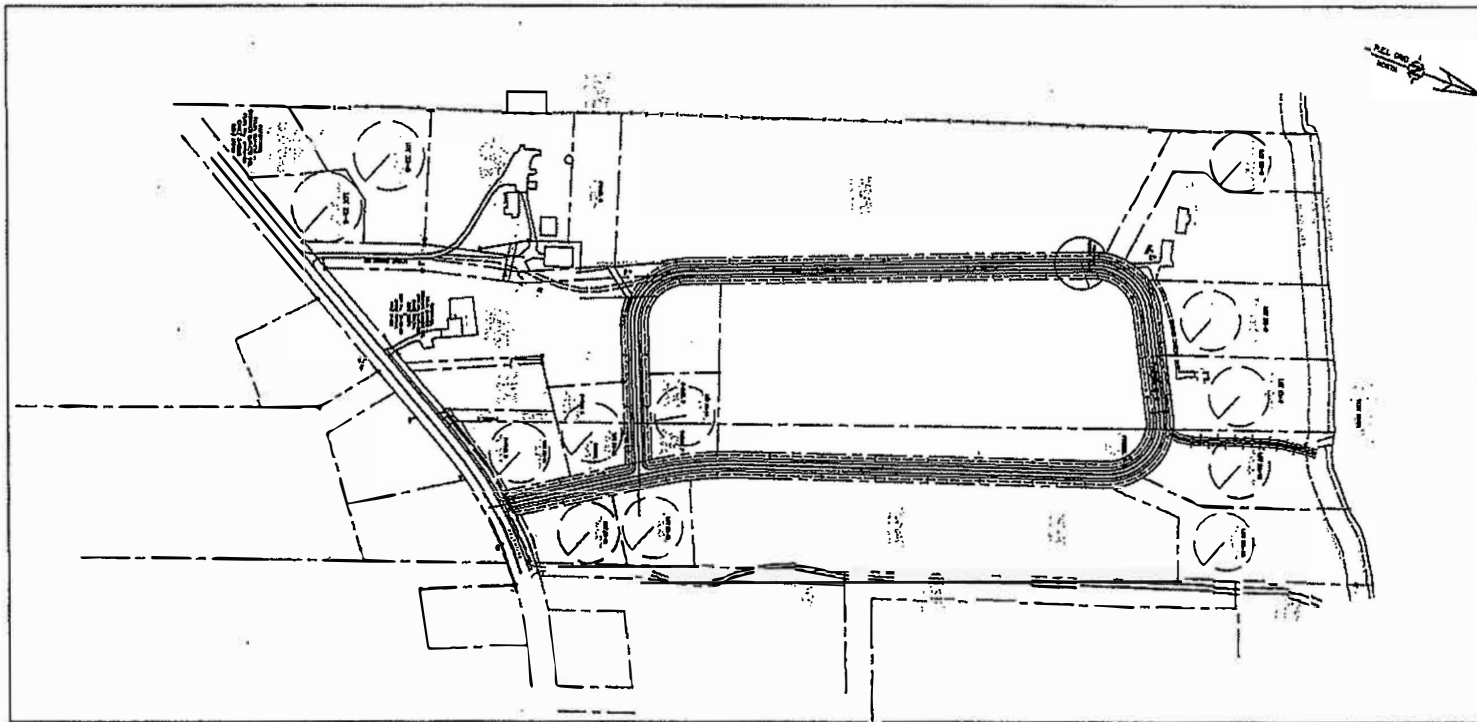
✓ Approved by Shawn vna Farlow August '22
 ✓ Waiting on Dean Lewis



Carl Currie July 17/23

CURRIE SUBDIVISION

Fairview , P.E.I.



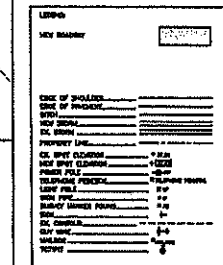
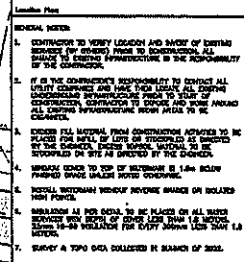
DRAWING LIST:

- | COVER | |
|-------|---|
| C1 | OVERALL PLAN VIEW |
| C2 | PLAN AND PROFILE VIEW PROPOSED ROAD STA -0+016 TO 0+160 |
| C3 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 0+160 TO 0+340 |
| C4 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 0+340 TO 0+520 |
| C5 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 0+520 TO 0+660 |
| C6 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 0+660 TO 0+840 |
| C7 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 0+840 TO 1+000 |
| C8 | PLAN AND PROFILE VIEW PROPOSED ROAD STA 1+000 TO 1+183 |
| C9 | STANDARD DETAILS |

SEI Engineering Inc.
Consulting Engineers & Project Managers
 14 Great George Street, London, Ontario
 N6A 5R7, Canada, P.E.I. C1A 1A1
 Phone (416) 537-6624 Fax (416) 537-6625

AUGUST, 2022

ISSUED FOR REVIEW



| | | | |
|---|-----|-----|-----|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | 2.1 | 2.1 | 2.1 |
| 5 | 2.2 | 2.2 | 2.2 |

SEI Engineering (2005) Inc.
Outstanding Engineer & Project Manager
 15 Good George Blvd., Levittown, PA, 19057
 P.A. 610-271-0400, F.A. 610-271-0400
 Fax: (610) 271-0400, E-mail: info@sei-engineering.com

Engineer's Seal

Project Title: CURRIE SUBDIVISION
Fairview, PEI

PLAN & PROFILE PROPOSED
ROAD STA -0+015 TO 0+150

| | |
|--------------------|-------------------|
| Project No. 223008 | Date AUGUST, 1972 |
| Sheet 418 | Scale Large |

| | | | |
|-------|----|-----------|-------|
| Drawn | By | File Name | Sheet |
| Drawn | By | File Name | Sheet |

This drawing is the property of SCL Engineering Inc. and shall not be used on other projects or for other than the project, or as design drawings, without written permission from the Engineer.

Sheet 62

Page 10 of 10

TAB 4

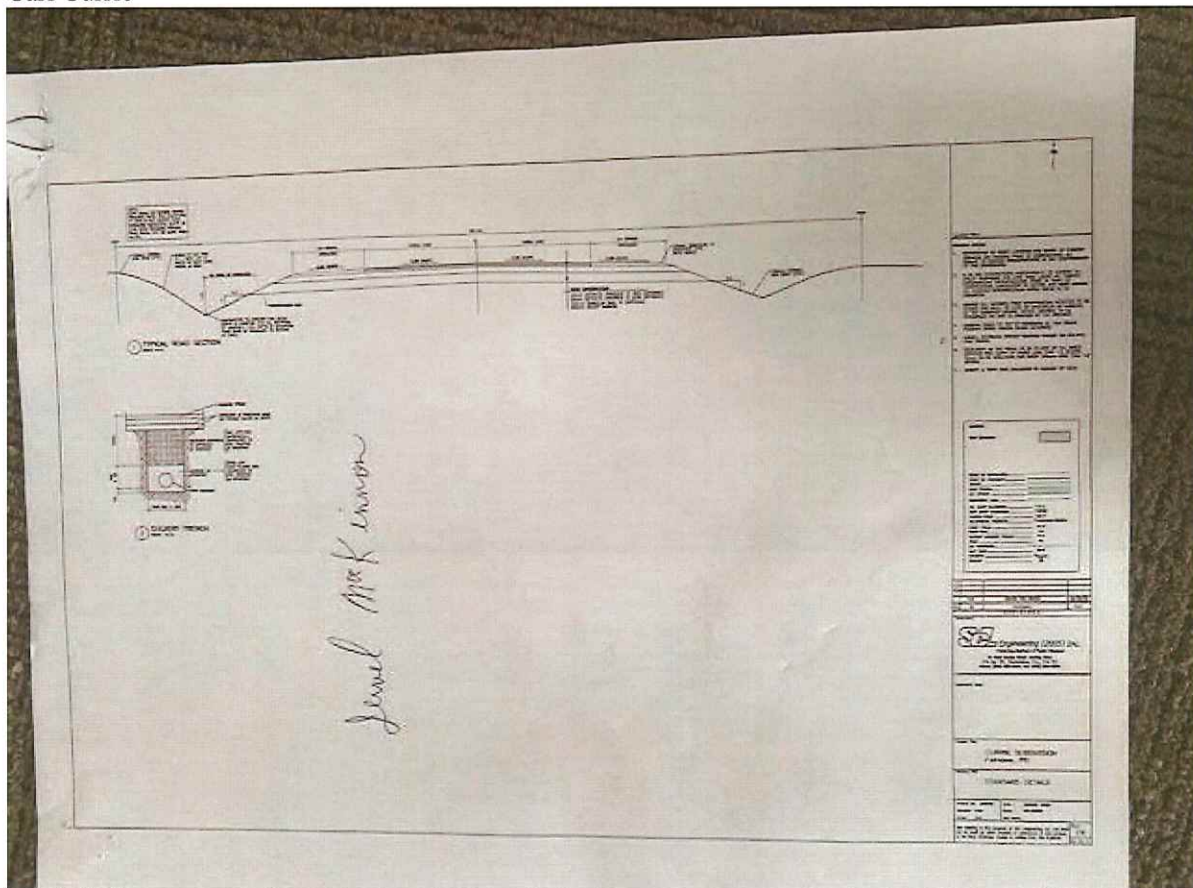
TAB A

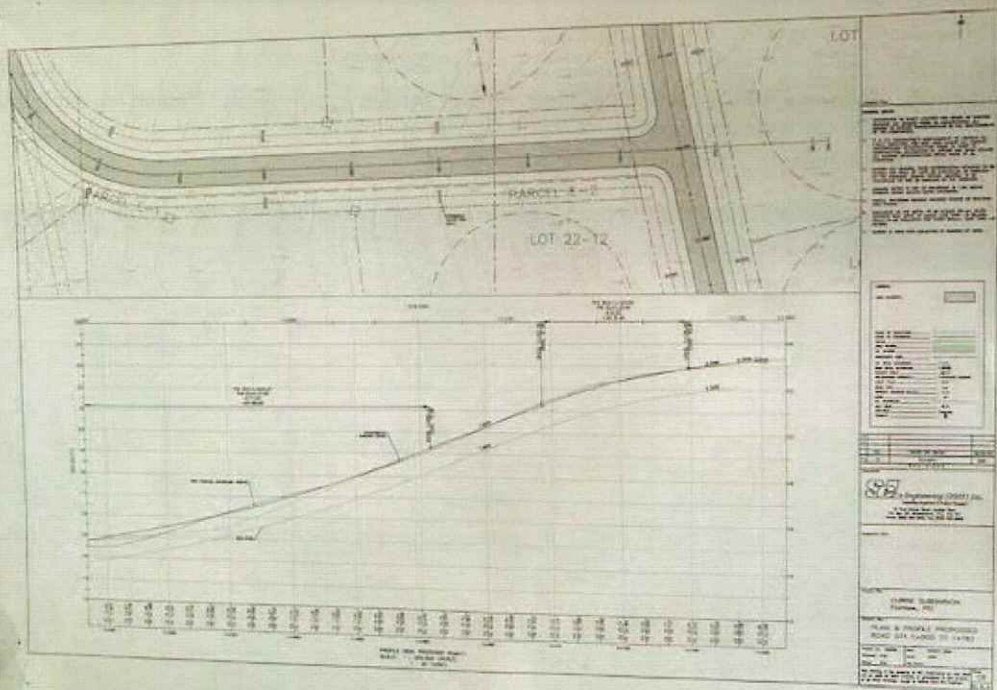
From: [Carl Currie](#)
To: [Dean Lewis](#)
Subject: Carl Currie/ West River Properties
Date: July 17, 2023 2:18:36 PM

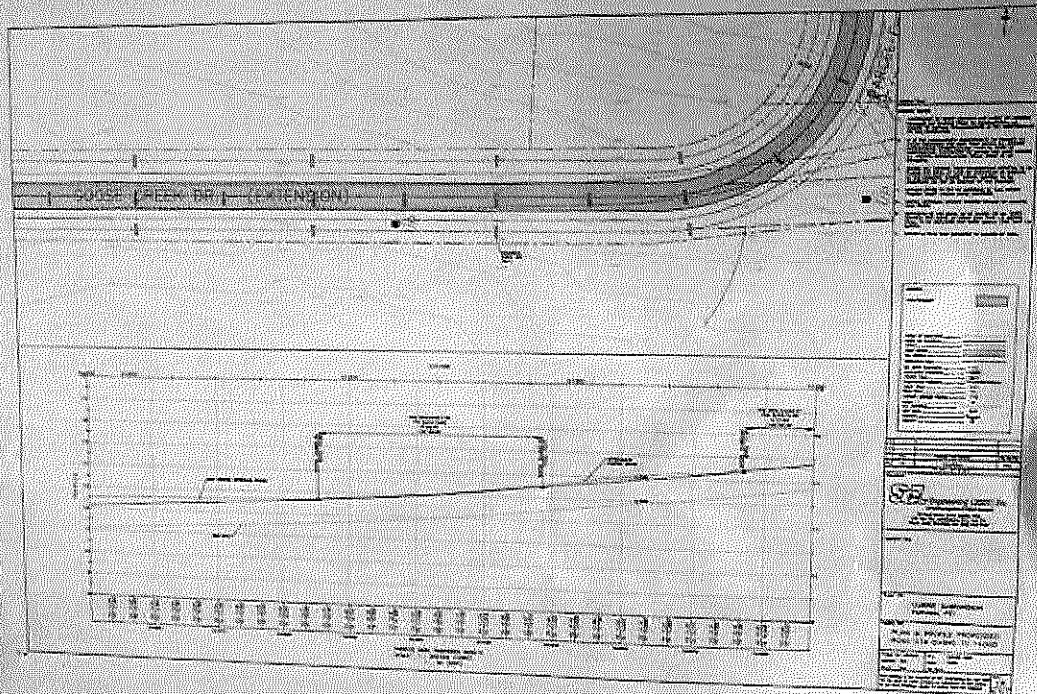
Hi Dean

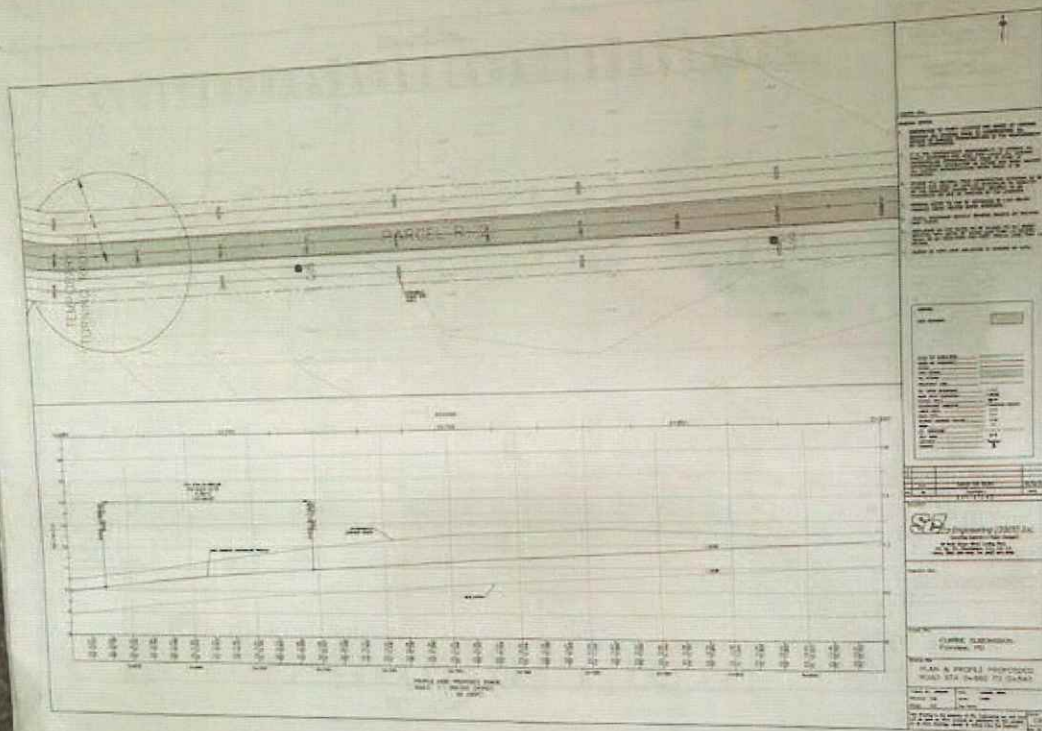
Attached please find the application and payment receipt for the subdivision. Please let me know if you require anything else as soon as possible.

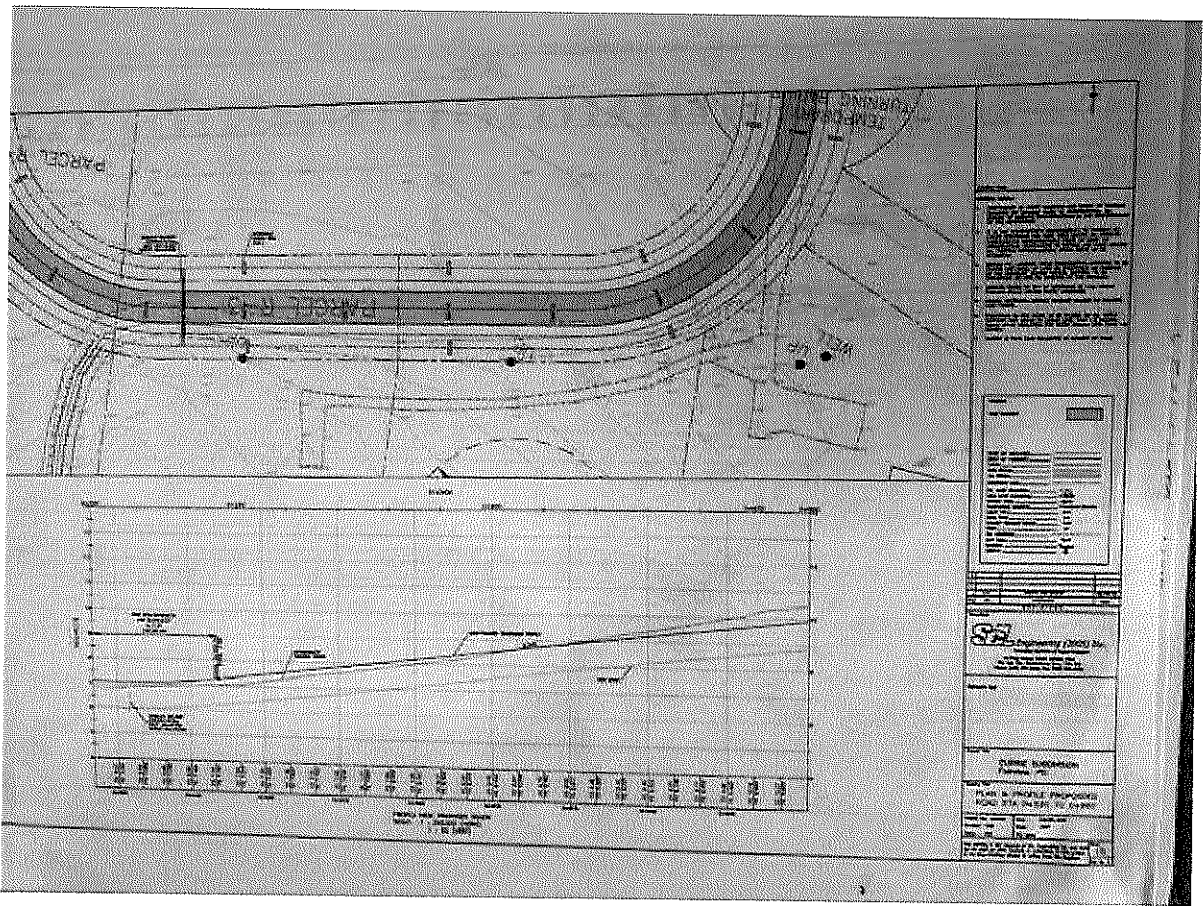
Thanking you in advance,
Carl Currie

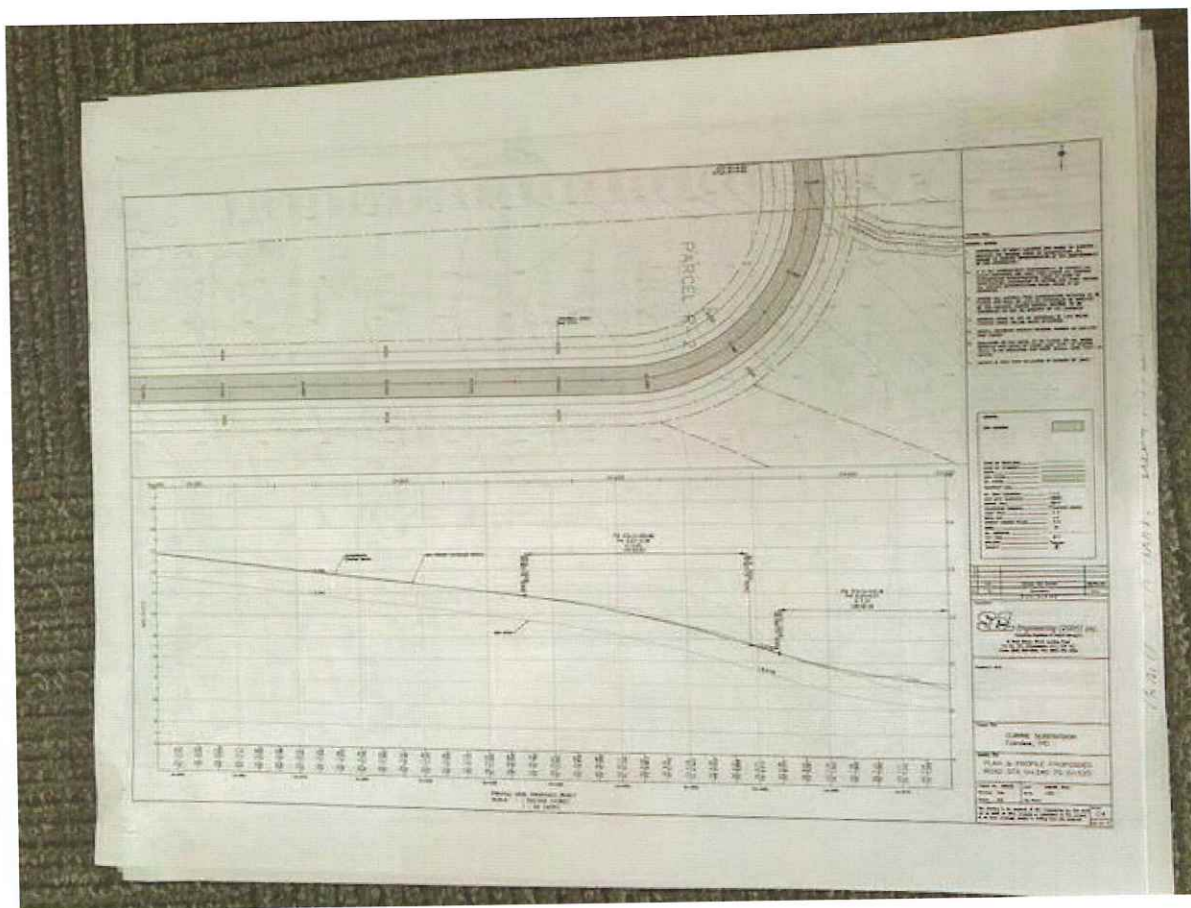




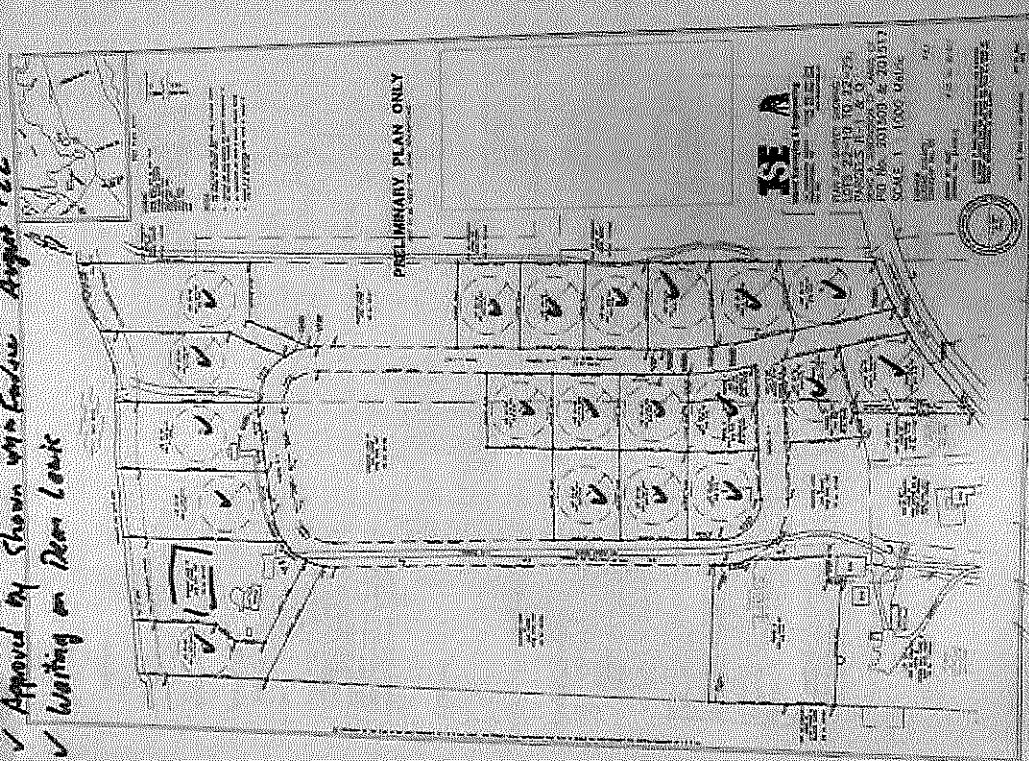








✓ Approved by Sharon Wm. Fardus August 122
✓ Waiting on Dean Lewis



Sheet 1 of 1
Date: 08/12/22
Project: 201503 & 201517

Declaration Carl L. Moore hereby certify that I am (select one)
☒ the registered owner of the land ☐ authorized to act on behalf of the registered owner of the land proposed for development prepared for development
 and hereby declare that all statements contained within this application are complete and true.

Signatures
 Registered Owner(s): Carl L. Moore Date July 17/23
 or _____ Date _____
 or _____ Date _____
 Applicant: _____ Date _____

- Submit Applications To:**
- Land Division - 33 Gordon Drive, Charlestown, PE
 - Access PE Lottery - 45 East Dr. O'Leary, PE
 - Access PE Lottery - 120 Heather Moyle Dr, Summerside, PE
 - Access PE Lottery - 41 Woodlands Rd, Montague, PE

Office Use Only

\$995-DEED & CHANGE OF USE FEE

| | |
|--|--|
| Standard fee of Land (\$110 for the first lot) | |
| Additional lots (\$55 for each additional lot) | |
| Change of Use (\$110 for the first lot) | |
| Change of Use for Additional lots (\$55 for each additional lot) | |
| Total | |

Personal information on this form is collected under section 8 (b) of the Privacy Act. If you have any questions about the collection of personal information, you may contact the Privacy Commissioner for more information.

SUBDIVISION OF LAND - REQUIREMENTS

- 1) Five (5) Lots or Less: (1 to 5 lots)
With the completed application the following is required:
 - a. Completed sketch of the property as outlined on page 5, showing the true shape and dimensions of the property being subdivided. The sketch must be indicated on the map, outlined in red ink and must be at least 1/4" in scale and 1/4" in line width. The sketch must be square feet. All proposed access roads or rights-of-way to the lots must be shown on the map.
- 2) More than five (5) lots: (four more lots)
With the completed application the following is required:
 - a. Preliminary Survey plan completed by a surveyor. Ensure the surveyor shows the following information in their Preliminary Survey plan:
 - ✓ the true shape and dimensions of the property being subdivided and the proposed lots
 - ✓ all proposed access roads or rights-of-way to the lots
 - ✓ a key plan indicating the general location of the proposed subdivision
 - ✓ North point indicator and the scale of the plan
 - ✓ The location of all existing buildings or structures on the lots being proposed, or within 100 feet (30.4 metres) of the proposed subdivision
 - ✓ existing and proposed services, including central or municipal water treatment system, and central or municipal water supply system
 - ✓ proposed or existing private right-of-way or easements, and proposed or existing easements to a highway
 - ✓ and proposed for buffer, walkways, open space, recreation areas, parks or other public use
 - ✓ water courses, wetlands, beaches, sand dunes, forested areas, designated natural areas, or conservation zones on, or adjacent to, the proposed subdivision
 - ✓ elevation contours and the drainage pattern within the proposed lots, and within 300 feet (91.4 m) of the boundaries of the proposed subdivision
 - ✓ the proposed use of the lots
 - ✓ proposed stormwater drainage patterns for water within and leaving the subdivision

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, negligible, or if fees have not been paid.

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps. Staff may also carry out a site inspection to complete their application review.

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

☒ Yes ☐ No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

☒ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental Accommodation
☐ Commercial ☐ Industrial ☐ Institutional ☐ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-based business ☐ Other _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

What will be the hours of operation?

How many staff are you intending on having at this location?

Will there be on-site parking for staff? ☐ Yes ☐ No ☐ N/A
Will there be shopping and/or receiving operations? ☐ Yes ☐ No ☐ N/A

Please describe the business operations you will be undertaking on this site:

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? ☒ Yes ☐ No ☐ D

If Yes, how many new lots are you looking to create?

2 to 3 lots - please see detailed Additional Requirements listed in Section 1 on the next page
4 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☒ No

How will the proposed subdivision receive sewer service?

☒ New on-site septic ☐ Existing on-site system
☐ Municipal wastewater treatment ☐ Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply?

☒ New on-site well ☐ Existing on-site well ☐ Municipal water ☐ Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: _____ ☒ Yes ☐ No

Is this property identified under the PEI Lands Protection Act? ☐ Yes ☒ No

PAID

 JUL 17 2013
 11:56 AM
 Prince Edward Island
 GOVERNMENT

Subdivision of Land and Change of Use Application

This application is to be used for any of the following:

- subdivide a parcel of land into smaller lots
- change the current use of a parcel of land
- change the use of an approved subdivision
- consolidate multiple lots into one
- appendant to a parcel

| | |
|-------------------|-----------------|
| Sub. Case File #: | Office Use Only |
| Permit #: | |
| POF#: | |
| Permit Fee: | |
| Received: | |
| POC/Verbal: | EE |

Property Information:

| | | | |
|-----------------------|--------------|-----------------------------|---------|
| Property Tax Number: | 24-559/20112 | Lot Number - if applicable: | |
| Civic Address Number: | | Street Name: | Rock 19 |
| Route No: | 19 | Community: | Afton |

Property Owner Information:

| | |
|------------------|---|
| Full Legal Name: | Carl Corne + West River Properties Inc. |
| Company Name: | |
| Street Address: | 129 West River |
| Community: | Afton |
| Province: | PE |
| Postal Code: | C0A 1H2 |
| Email: | Carl@carlcorne.com |
| Phone: | 902 426 9522 |

Applicant Information (if different from Owner):

| | |
|------------------|-------------------------|
| Full Legal Name: | Kris Corne + Carl Corne |
| Company Name: | |
| Street Address: | 24 West River |
| Community: | Afton |
| Province: | PE |
| Postal Code: | C0A 1H2 |
| Email: | Kris@carlcorne.com |
| Phone: | 902 426 9522 |

What is the property currently used for?

- ☐ Residential (Single-use) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental accommodation
☐ Commercial ☐ Industrial ☐ Institutional ☐ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-based business ☐ Other:

Proposed use of the land:

Single family housing.

| DATE | TIME | BOX | 5190 | CARD | 7/17 | 3:06 | 36-0 | --- | 10 | 24 | 5 | P |
|---|------|-----|------|------|------|------|------|-----|----|----|---|---|
| DEPT COMM LAND & ENVIRON INSPECTION SERVICES 31 GORDON DRIVE PH 368 5280 | | | | | | | | | | | | |
| HST 99991012 | | | | | | | | | | | | |
| 07/17/2023 10:48AM 00000004255 CALEIGH00004 | | | | | | | | | | | | |
| SUB.SFD 237 2126 \$110.00 9 @ \$55.00 | | | | | | | | | | | | |
| SUB.SFD 237 2126 \$495.00 10 @ \$50.00 | | | | | | | | | | | | |
| ENV237212633280 11 \$500.00 \$1105.00 \$75.00 | | | | | | | | | | | | |
| MDSE ST HST | | | | | | | | | | | | |
| C/CARD \$1180.00 C7F68B869A92CF33 | | | | | | | | | | | | |

Sent from my iPhone

TAB B

Dean Lewis

From: Dean Lewis
Sent: August 14, 2023 7:38 AM
To: Carl Currie
Subject: RE: Hello Dean, Tony is still working on the plans, over loaded with work and short staffed , hoping to be done shortly.

Hello Carl

The Municipality of West River is now the Authority having Jurisdiction for your proposed subdivision. Expect to soon receive a letter from the Province, outlining the process for application refund and what you would like us to do with the information in your file.

Thanks
Dean Lewis

From: Carl Currie <carlcurriecountryview@gmail.com>
Sent: August 11, 2023 3:37 PM
To: Dean Lewis <dhlewis@gov.pe.ca>
Subject: Re: Hello Dean, Tony is still working on the plans, over loaded with work and short staffed , hoping to be done shortly

Dean, what is the status of our added on 10 lots in Fairview? There seems to be no transparency on where our file is at !
Could you please update us Thanks

Sent from my iPhone

On Jul 13, 2023, at 2:20 PM, Dean Lewis <dhlewis@gov.pe.ca> wrote:

Carl
I still didn't receive your updated subdivision application amended to match your new subdivision plan.

Thanks
Dean Lewis

From: Carl Currie <carlcurriecountryview@gmail.com>
Sent: July 13, 2023 1:56 PM
To: Dean Lewis <dhlewis@gov.pe.ca>
Subject: Re: Hello Dean, Tony is still working on the plans, over loaded with work and short staffed , hoping to be done shortly

Hello Dean, what is the hold up on the approval of our lots ? They are pinning 5 lot approvals at my next door neighbours , Clive Currie and Gary Currie which put in their application 2 months ago, please explain what is going on? Carl

Sent from my iPhone

On May 26, 2023, at 10:19 AM, Dean Lewis <dhlewis@gov.pe.ca> wrote:

Thanks Carl

I certainly understand Tony's predicament. I think we're all in the same boat . you can let Tony know that I would like an electronic copy of the preliminary plan first and I will let you know when I need paper copies.

Get Outlook for iOS

From: Carl Currie <carlcurriecountryview@gmail.com>

Sent: Friday, May 26, 2023 10:14:40 AM

To: Dean Lewis <dhlewis@gov.pe.ca>

Subject: Hello Dean, Tony is still working on the plans, over loaded with work and short staffed , hoping to be done shortly

[You don't often get email from carlcurriecountryview@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Sent from my iPhone

TAB 5

TAB A

Dean Lewis

From: Cindy MacMillan
Sent: September 1, 2023 2:50 PM
To: Dean Lewis
Subject: Carl Currie

Hi Dean,

Carl called to say he feels that the letter you sent him on August 29, 2023 by email should be dated August 29 and not August 16. He has 21 days to appeal but because he didn't get the letter until the 29th, he doesn't have enough days as his lawyer is going on vacation. His phone number is 902-628-9522. Thanks.

Cindy MacMillan
Property Inquiries Coordinator
Dept. of Housing, Land and Communities
Province of PEI
41 Wood Islands Road, Montague, PE
Phone: 902-838-0605
Email: cindymacmillan@gov.pe.ca

TAB B

Eugene Lloyd

From: Jewel MacKinnon
Sent: Monday, July 17, 2023 10:19 AM
To: Eugene Lloyd; Dean Lewis
Subject: Re: Karl Currie

Hello

Yes he was in an paid for 10 subdivision lots.

From: Eugene Lloyd <EMLLOYD@gov.pe.ca>
Sent: July 17, 2023 10:13 AM
To: Dean Lewis <dhlewis@gov.pe.ca>; Jewel MacKinnon <jewelmackinnon@gov.pe.ca>
Subject: RE: Karl Currie

Yes, he was just here I think

Eugene Lloyd
Manager (Acting) of Development Control
31 Gordon Drive
Charlottetown, PE C1A 7N8
(ph) 902-368-4465

From: Dean Lewis <dhlewis@gov.pe.ca>
Sent: Monday, July 17, 2023 9:34 AM
To: Jewel MacKinnon <jewelmackinnon@gov.pe.ca>
Cc: Eugene Lloyd <EMLLOYD@gov.pe.ca>
Subject: Karl Currie

Carl Currie is going to the Gordon Dr Office today with his updated application. I believe the case is 56444.

Thanks

Dean Lewis
Senior Development Officer
Department of Housing, Land and Communities(HLC)
Province of PEI.
41 Wood Islands Road
Phone: **(902) 838-0650**
Fax: **(902) 838-0696**
Email: dhlewis@gov.pe.ca

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TAB 6

Rural Municipality of West River Council Meeting

| | | | |
|---------------------|---|----------------|----------------------|
| Meeting No | 30 | Chair | Helen Smith-MacPhail |
| Meeting Date | Thursday, October 6, 2022 | Phone | 902-675-7000 |
| Start Time | 7:00 PM | E-mail | admin@westriverpe.ca |
| Location | Afton Community Center | Session | Special - Public |
| Present | Mayor Helen Smith-MacPhail, Deputy Mayor Robert Clow, Councillor Lori Ashley, Councillor Pam Baglole, Councillor Stephen Gould, Councillor Sabrina Loughran, Councillor Shaun MacArthur, Councillor Aaron MacEachern, Councillor Sharon Slauenwhite, Councillor Chad Stretch, Councillor John Yeo | | |
| Also | Laala Jahanshahloo – CAO | | |
| Regrets | Nil | | |

● Call to order

Mayor Helen Smith-MacPhail called the meeting to order at 7:00 pm.

Councillor Shaun MacArthur joined the meeting virtually (Due to the Covid-19 quarantine).

● Approval of Agenda

It was moved by Deputy Mayor Robert Clow and seconded by Councillor John Yeo; the agenda was approved as circulated.

Motion Carried

● Declarations of Conflict of Interest

No conflict of interest was declared.

- **Adaption of Official Plan -2022**

➔ Mayor Helen Smith-MacPhail informed the Council that only one amendment to the draft official plan was made due to feedback at the statutory public meeting. The wording change is in Plan Action b in Policy EN-6, where the wording was revised to stress the Council's role as an active supporter of current and future work on the part of landowners and environmental groups.

➔ **MOTION#2022-82**

Moved by Councillor Sharon Slauenwhite

Seconded by Councillor John Yeo

WHEREAS

The Planning Board and the Council for the Rural Municipality of West River have undertaken a full process to develop an Official Plan for the Municipality, and

WHEREAS

A series of public engagement exercises was undertaken as part of the process, including a presentation of the proposed 2022 Official Plan and 2022 Land Use Bylaw to the public at a meeting held on September 15, 2022, at which residents and other interested persons were invited to make representation in accordance with sections 11 and 18 of the Planning Act, and

WHEREAS

The proposed 2022 Official Plan was recommended by Planning Board for Council approval at a meeting held on October 3, 2022,

BE IT RESOLVED

That the proposed 2022 Official Plan be hereby approved, adopted, and declared passed, and

BE IT FURTHER RESOLVED

That the 2010 Municipality of New Haven-Riverdale Official Plan be repealed upon the approval of the 2022 Official Plan for the Rural Municipality of West River by the Minister of Agriculture and Land.

CARRIED 10-0

➔ **MOTION#2022-83**

Moved by Deputy Mayor Robert Clow

Seconded by Councillor Stephen Gould

WHEREAS

The development of the Rural Municipality of West River Official Plan and Land Use Bylaw has been undertaken in accordance with the requirements of the Planning Act, and

WHEREAS

The 2022 Official Plan includes as a schedule reference to the Rural Municipality's Legacy Lands Assessment Policy, to be used in the administration of the Official Plan and Land Use Bylaw, and

WHEREAS

The 2022 Official Plan includes as a schedule reference to the Rural Municipality's Legacy Lands Assessment Policy, to be used in the administration of the Official Plan and Land Use Bylaw, and

BE IT RESOLVED

That the Legacy Lands Assessment Policy be approved to take effect upon approval of the 2022 Official Plan by the Minister and Agriculture and Land.

CARRIED 10-0

➔ **MOTION#2022-84**

Moved by Councillor Sabrina Loughran

Seconded by Councillor Lori Ashley

WHEREAS

The Planning Board and the Council for the Rural Municipality of West River have undertaken a full process to develop the Rural Municipality of West River Land Use Bylaw, and

WHEREAS

A series of public engagement exercises was undertaken as part of the review, including a presentation of the proposed 2022 Official Plan and 2022 Land Use Bylaw to the public at a meeting held on September 15, 2022, at which residents and other interested persons were invited to make representation in accordance with sections 11 and 18 of the Planning Act, and

WHEREAS

The proposed 2022 Land Use Bylaw was recommended by Planning Board for Council reading and approval at a meeting held on October 3, 2022, and

BE IT RESOLVED

That the Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, be hereby read a first time; and

BE IT FURTHER RESOLVED

That the 2010 Municipality of New Haven-Riverdale Zoning & Subdivision Control (Development) Bylaw be repealed upon the approval of the 2022 Official Plan for the Rural Municipality of West River by the Minister of Agriculture and Land.

CARRIED 10-0

● **Adjournment**

- ➔ The meeting adjourned at 8:00 pm.
- ➔ The next meeting will be on October 13, 2022.

HELEN SMITH-MACPHAIL _____

MAYOR

LAALA JAHANSHAHLOO _____

CHIEF ADMINISTRATIVE OFFICER

TAB 7



Housing, Land
and Communities

Logement, Terres
et Communautés



Office of the Minister
PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

Bureau du ministre
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

July 20, 2023

Laala Jahanshahloo, CAO
Rural Municipality of West River
1552-B Rte. 9
New Dominion, PE C0A 1H6

Dear Ms. Jahanshahloo:

RE: Rural Municipality of West River – New Official Plan and Land Use Bylaw
(Provincial: WR2022A; Municipality: Official Plan 2022 & 2022 Land Use Bylaw #2022-04)

I am pleased to advise that I have approved the new Rural Municipality of West River Official Plan and Land Use Bylaw.

Congratulations on the completion of your new Rural Municipality of West River Official Plan and Land Use Bylaw documents. The new Official Plan and Future Land Use Bylaw are now in effect and binding on all parties within the municipality.

Though I have approved both the Official Plan and Future Land Use Bylaw, these documents are considered living documents, meaning amendments to them are expected and encouraged. In particular, there are two items in the Land Use Bylaw that need further addressing;

1. Subsection 4.9 (2)(f) on page 18 – A development agreement cannot include language about what the Government of PEI will or will not do unless it is signed by the Province. This subsection must be amended in the future to remove reference to the Province of PEI.
2. Subsection 10.6 (6)(d) on page 43 – Is in relation to a waiver a developer would sign to absolve the municipality of the responsibilities of subsection 3.18 (1)(b) and subsection 12.3 (4)(c):
 - 3.18 (1)(b): No development permit shall be issued if the proposed development could create a hazard to the general public, including but not be limited to, hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding.

- 12.3 (4)(c): Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable: suitability of the site for the proposed development.

I understand the Rural Municipality of West River has concerns with removing the latter section. I encourage you to look for an alternative solution that best suits your needs and protects your and your Council's legal liability. Please include the Province's Land Division in these discussions, to help with the future land use bylaw amendments.

I look forward to hearing how discussions between the Province's Land Division and the Rural Municipality of West River continue, and to reviewing future amendments that further advance your land use management goals.

Please note that the effective date of the new Official Plan and new Future Land Use Bylaw is the date of my signature.

Yours truly,



Rob Lantz
Minister of Housing, Land and Communities

Encl.

RURAL MUNICIPALITY OF WEST RIVER

2022 OFFICIAL PLAN

Effective Date

The effective date of the Rural Municipality of West River 2022 Official Plan is the date it is signed by the Minister of Agriculture and Land, as indicated below.

Authority

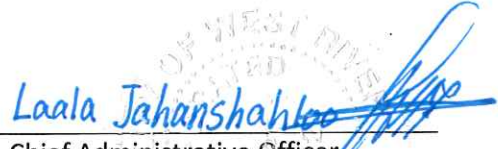
The Council for the Rural Municipality of West River, under the authority vested in it by sections 11-15 of the Planning Act R.S.P.E.I. 1988 Cap P-8 hereby enacts as follows:

Adoption and Approval by Council

This Rural Municipality of West River 2022 Official Plan was approved and adopted by a majority of council members present at the Council meeting held on the 6 day of October, 2022.

This Rural Municipality of West River 2022 Official Plan is declared to be passed on the 6 day of October, 2022.



Mayor
(signature sealed)


Laala Jahanshahloo
Chief Administrative Officer
(signature sealed)

Ministerial Approval

The Rural Municipality of West River 2022 Official Plan is hereby approved.

Dated on this 20 day of July, 2023.


Rob Lantz
Minister of Housing, Land and Communities

RURAL MUNICIPALITY OF WEST RIVER

2022 LAND USE BYLAW, BYLAW #2022-04

Effective Date

The effective date of the Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, is the date it is signed by the Minister of Agriculture and Land, as indicated below.

Authority

The Council for the Rural Municipality of West River, under the authority vested in it by sections 16-19 of the *Planning Act* R.S.P.E.I. 1988 Cap P-8, hereby enacts as follows:

First Reading:

The Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, was read and approved a first time at the Council meeting held on the 6 day of October, 2022.

Second Reading:

The Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, was read and approved a second time at the Council meeting held on the 13 day of October, 2022.

Adoption and Approval by Council:

The Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, was adopted by a majority of council members present at the Council meeting held on the 13 day of October, 2022.

This Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04 is declared to be passed on the 13 day of October, 2022.



Mayor
(signature sealed)



Chief Administrative Officer
(signature sealed)

Ministerial Approval

The Rural Municipality of West River 2022 Land Use Bylaw, Bylaw # 2022-04, is hereby approved.

Dated on this 20 day of July, 2023.



Rob Lantz
Minister of Housing, Land and Communities

TAB 8

PUBLIC NOTICE

Notice is hereby given that the Minister of Housing, Land and Communities has given approval to the confirmation of the new Official Plan and Land Use Bylaw for the Rural Municipality of West River, effective July 20, 2023, in accordance with the *Planning Act*. Copies of the approved official plan and bylaw have been registered with the Registry of Deeds for Queen's County.

A handwritten signature in blue ink, appearing to read "James McLeod", is positioned above a horizontal line.

Deputy Minister

Name: PEI ANESTHESIA INNOVATIONS
 Owner: Patrick Michael Burns
 99 Lantern Cr
 Cornwall, PE C0A 1H8
 Registration Date: July 27, 2023

Name: RC LAWNS
 Owner: Craig Rout Gallant
 330 Fitzroy St
 Charlottetown, PE C1A 1T1
 Owner: Ryan Rout Gallant
 330 Fitzroy St
 Charlottetown, PE C1A 1T1
 Registration Date: July 28, 2023

Name: GOBIT TREE SERVICES
 Owner: Donovan Benoit
 9781 St Peters Rd - Rte 2
 St Andrews, PE C0A 1T0
 Registration Date: July 28, 2023

Name: CODECICLES CONSULTING
 Owner: Eduardo Egger DesFontaine
 17 Centennial Dr
 Charlottetown, PE C1A 6C6
 Registration Date: July 28, 2023

Name: MURRAY RENTALS
 Owner: Charlotte Murray
 836 Upper Meadowbank Rd - Rte 265
 Clyde River, PE C0A 1H1
 Owner: Troy Murray
 836 Upper Meadowbank Rd - Rte 265
 Clyde River, PE C0A 1H1
 Registration Date: July 28, 2023

Name: ROSEDUNE COTTAGE
 Owner: Andrea Dawn Stewart
 7 Longworth Av, Unit 7
 Charlottetown, PE C1A 5A3
 Registration Date: July 28, 2023

Name: MBS SPECIMEN COLLECTION
 Owner: Mary-Beth Sincennes
 237 Avondale Rd - Rte 216
 Vernon River, PE C0A 2E0
 Registration Date: July 29, 2023

Name: FAIRVIEW PLACE
 Owner: James Jeffery
 12 Maggie St
 Fairview, PE C0A 1H2
 Registration Date: July 31, 2023

Name: WAVES CONTRACTING
 Owner: Paul D Davids
 306 Schurmans Point Rd
 North Bedeque, PE C1N 4J9
 Registration Date: July 31, 2023

Name: THE COTTAGE AT BARACHOIS
 BEACH
 Owner: Mary Catharine Peters
 315 Euston St
 Charlottetown, PE C1A 1X8
 Registration Date: July 31, 2023

Name: HANSHA&CO JEWELRY
 Owner: Hansha Luchmun
 7 Browns Crt, Townhouse G
 Charlottetown, PE C1A 9M8
 Registration Date: July 31, 2023

31

PUBLIC NOTICE

Notice is hereby given that the Minister of Housing, Land and Communities has given approval to the confirmation of the new Official Plan and Land Use Bylaw for the Rural Municipality of West River, effective July 20, 2023, in accordance with the *Planning Act*. Copies of the approved official plan and bylaw have been registered with the Registry of Deeds for Queen's County.

Deputy Minister

31

INDEX TO NEW MATTER

VOL. CXLIX – NO. 31
 August 5, 2023

BUSINESS CORPORATIONS ACT

Amalgamations

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 KID Holdings Inc. 1102
 Sharon R. O'Halloran, C.P.A., Inc. 1102
 ZSM Holdings Inc. 1102

Amendments

100159 P.E.I. Inc. 1104
 Brown Investments Inc. 1104

TAB 9



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PLANNING ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to November 17, 2021. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



PLANNING ACT

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PLANNING ACT

CHAPTER P-8

INTERPRETATION

1. Definitions

In this Act

- (a) **“Commission”** means the Island Regulatory and Appeals Commission established under section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11;
- (b) **“council”** means the council of a municipality;
- (c) **“developer”** means a person who, directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision;
- (d) **“development”** means
 - (i) site alteration, including but not limited to
 - (A) altering the grade of the land,
 - (B) removing vegetation from the land,
 - (C) excavating the land,
 - (D) depositing or stockpiling soil or other material on the land, and
 - (E) establishing a parking lot,
 - (ii) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land,
 - (iii) placing temporary or permanent mobile uses or structures in, under, on or over the land, or
 - (iv) changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building;
- (e) **“development agreement”** means an agreement between a developer and a council, or between a developer and the Minister, or a tripartite agreement between a developer, a council and the Minister, respecting the terms and conditions under which a development may be carried out;
- (e.1) **“development permit”** means a permit issued for a development under the regulations or pursuant to a bylaw but does not include a building permit issued under the *Building Codes Act*;
- (f) **“Minister”** means the Minister of Agriculture and Land;
- (g) **“municipality”** means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;

- (h) “**official plan**” means a plan for a municipality adopted under Part III;
- (i) “**planning board**” means a planning board or joint planning board appointed under Part III;
- (j) “**resident**” in relation to a municipality, means a person who has attained the age of eighteen years and is ordinarily resident within the boundaries of the municipality;
- (j.1) “**state of emergency**” means a state of emergency declared by the Minister of Justice and Public Safety or a mayor under the *Emergency Measures Act* R.S.P.E.I. 1988, Cap. E-6.1, or a public health emergency declared under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1;
- (k) “**subdivision**” means
 - (i) the division of a parcel of land to create two or more new parcels of land,
 - (ii) the consolidation of two or more contiguous parcels of land to create a new parcel of land, or
 - (iii) the attachment of a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land,
 by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be;
- (l) “**subdivision agreement**” means an agreement between a council and a developer whereby the developer undertakes to provide basic services in order to develop a plan of subdivision. *1988, c.4, s.1; 1991, c.18, s.22; 1993, c.29, s.4; 1994, c.46, s.1 {eff.} March 31, 1995; 1995, c.29, s.1 {eff.} Oct. 14/95; 1997, c.20, s.3; 2000, c.5, s.3; 2009, c.73, s.2; 2010, c.31, s.3; 2012, c.17, s.2; 2014, c.40, s.1; 2015, c.28, s.3; 2016, c.44, s.277; 2017, c.10, s.1(2); 2019, c.1, s.3; 2017, c.61, s.35(2); 2021, c.14, s.1.*

OBJECTS

2. Purposes

The purposes of this Act are

- (a) to provide for efficient planning at the provincial and municipal level;
- (b) to promote sustainable and planned development;
- (c) to protect the natural and built environment of the province;
- (d) to encourage co-operation and co-ordination among stakeholders;
- (e) to address potential conflicts regarding land use;
- (f) to provide the opportunity for public participation in the planning process; and
- (g) to ensure compatibility between land uses. *1988, c.4, s.2; 2021, c.42, s.1.*

2.1 Provincial interests

- (1) The Minister in carrying out the Minister’s responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as
 - (a) the protection, conservation and management of resource lands;
 - (b) the protection, conservation and management of coastal areas;
 - (c) the protection, conservation and management of ecological systems;

- (d) the prevention of fragmentation of land and of loss of natural habitat connectivity and biodiversity;
- (e) the supply, efficient use and conservation of water;
- (f) the supply, efficient use and conservation of energy;
- (g) the adequate provision and efficient use of communication, transportation, sewage and water services, storm water management systems, waste management systems and other public services in relation to planning development, and the effect of planning development on those services;
- (h) the effect of proposed planning development on, and measures for the protection of, public health and safety;
- (i) the protection of features of significant archaeological, cultural, architectural, historical or scientific interest;
- (j) the protection of viewscales that contribute to the unique character of Prince Edward Island;
- (k) the direction of development to areas designed to support servicing;
- (l) the orderly and sustainable development of safe and healthy communities;
- (m) the adequate provision of a full range of housing options;
- (n) the promotion of a built environment that supports public transit and active transportation;
- (o) the promotion of a built environment that incorporates the principles of conservation design;
- (p) the adaptation of the built and natural environment to address the effects of climate change;
- (q) the mitigation of greenhouse gas emissions; and
- (r) adaptation to a changing climate.

Regulations

- (2) The Lieutenant Governor in Council may make regulations to establish additional matters of provincial interest for the purposes of subsection (1). *2021, c.42, s.2.*

PART I — LAND USE COMMISSION

Sections 3 to 5 repealed by *1991, c.18, s.22 {eff.} Nov. 4/91.*

PART II — PROVINCIAL PLANNING**6. Role of Minister**

The Minister shall

- (a) advise the Lieutenant Governor in Council on provincial land use and development policy;
 - (b) perform the functions conferred on him by this Act and the regulations;
 - (c) generally, administer and enforce this Act and the regulations,
- and may
- (d) provide planning advisory services;

- (e) promote co-operation between municipalities with respect to inter-municipal or regional planning issues;
- (f) promote public participation in the development of policies;
- (g) establish organizations and groups which he may consult respecting the exercise of his functions;
- (h) delegate any of his functions under this Act or the regulations. *1988, c.4, s.6.*

7. Role of cabinet

- (1) The Lieutenant Governor in Council may
 - (a) adopt provincial land use development policies;
 - (b) establish minimum requirements applicable to official plans;
 - (c) make regulations establishing minimum development standards respecting
 - (i) public health and safety,
 - (ii) protection of the natural environment,
 - (iii) landscape features.

Modification of official plan and bylaws to conform with regulations

- (2) Where regulations have been made pursuant to clause (1)(c) or section 8.1, the council of a municipality with an official plan or bylaws made under this Act shall, within one hundred and twenty days of the date of publication of the regulations in the Gazette, make such amendments to its official plan or bylaws as are necessary to ensure that any requirements imposed thereby are not less stringent than those imposed by the comparable provision of the regulations.

Procedure

- (3) Sections 11, 13 and 18 do not apply to an amendment made pursuant to subsection (2).

Declaration nullifying municipal bylaws

- (4) Where a council fails to comply with subsection (2), the Lieutenant Governor in Council may, by order, declare
 - (a) the official plan or bylaws, or any part thereof, made by that council to be null and void;
 - (b) which of the provisions of the regulations made pursuant to clause (1)(c) apply in their stead.

Effect of order

- (5) Where an order is made under subsection (4),
 - (a) the regulations made under clause (1)(c), or such parts of them as are specified in the order, apply in the municipality in which the council has jurisdiction; and
 - (b) the Minister has exclusive jurisdiction with respect to subdivision approvals, development permits and building permits in the municipality, but any such approval or permit issued before the date of the order is valid if it complied with the official plan and bylaws in force at the time of issue. *1995, c.29, s.2 {eff.} Oct. 14/95.*

7.1 Land use policy regulations

- (1) The Lieutenant Governor in Council may make regulations with respect to land use policies adopted pursuant to clause 7(1)(a) and, in particular, may make regulations that

- (a) establish land use designations;
- (b) establish the objectives, purpose and function of land use designations;
- (c) refer to or otherwise specify maps or plans that corroborate the objectives, purpose and function of the land use designations;
- (d) prescribe the geographical boundaries within which a land use designation applies;
- (e) refer to or otherwise specify maps or plans that illustrate the geographical boundaries within which the land use designations apply;
- (f) regulate development and land uses within the geographical boundaries shown on a referenced map or plan for a land use designation; and
- (g) amend or revoke a land use designation in circumstances where the objectives, purpose and function it was established to fulfill no longer apply.

Consistency with official plan and bylaw

- (2) A council's official plan and bylaw
 - (a) shall be, at a minimum, consistent with the regulations established under subsection (1); and
 - (b) may be more stringent than the applicable provisions of the regulations.

Protection paramount

- (3) In the event of an inconsistency or conflict between the regulations established under subsection (1) and a council's official plan and bylaw, the provisions that provide more protection for the matters specified in clause 7(1)(c) shall prevail. *2017, c.10, s.1(3).*

8. Provincial planning regulations

- (1) The Lieutenant Governor in Council may make provincial planning regulations applicable to any area except a municipality with an official plan and bylaws

general

- (a) with respect to planning and land use matters affecting the general welfare, health, safety and convenience of persons in any area or municipality;

areas

- (b) with respect to the definition of areas to be regulated;

zoning

- (c) with respect to land use zones, and in particular
 - (i) establishing and prescribing the geographical boundaries of zones,
 - (ii) prescribing permitted uses of land and structures within zones, and
 - (iii) establishing and regulating areas as conservation zones for the purpose of preserving therein objects of beauty, fossil remains, other objects, animate and inanimate, of aesthetic, educational or scientific interest, or for the purpose of preserving any unusual combination of elements of the natural environment having educational, historic or scientific interest,
 - (iv) establishing and regulating areas as environmentally sensitive areas;

subdivision

- (d) with respect to the subdivision of land and in particular
 - (i) governing, restricting and prohibiting subdivision of land,

- (ii) setting out procedures for subdivision application,
- (iii) empowering and governing subdivision agreements between the Minister and subdividers and between vendors and purchasers,
- (iv) requiring a subdivider to convey to the Crown or a non-profit corporation, for open space, recreation, park or other public use, for the benefit and enjoyment of landowners and residents in the neighbourhood, up to 10 per cent of the land being subdivided or to apply the equivalent value thereof to be held in a fund for those purposes;

development and services

- (e) with respect to the development of land and the provision of services and in particular
 - (i) governing the servicing of land with streets, sidewalks, and piped services,
 - (ii) establishing standards and timetables for the servicing of land,
 - (iii) establishing cost-sharing schedules for development and maintenance between the developer and the Crown or between vendors and purchasers,
 - (iv) authorizing the Minister to negotiate development agreements with a developer;

development charges

- (e.1) with respect to development charges to compensate the Government or another person for an increase in a capital cost that results from a need to directly or indirectly service land that is to be developed or subdivided, or that will be incurred as a result of the effect of a development or subdivision on other areas and, in particular,
 - (i) establishing eligible on-site and off-site costs, or portions of them, that a development charge may be levied to fund,
 - (ii) establishing rules to calculate a development charge for an eligible cost,
 - (iii) prescribing development charges,
 - (iv) establishing means of payment and schedules of payment of development charges,
 - (v) establishing the amount and type of security a developer may be required to provide to ensure the payment of development charges,
 - (vi) authorizing the Minister to negotiate and enter into development charge agreements with developers and other parties,
 - (vii) regarding the registration of development charge agreements,
 - (viii) any other matters necessary or desirable to effect a development charge agreement;

building standards

- (f) with respect to building standards and in particular
 - (i) repealed by 2017,c.61,s.35(3),
 - (ii) establishing standards for the prevention and suppression of fires,
 - (iii) establishing and prescribing architectural control standards;

development permits

- (g) with respect to the use of development permits and in particular
 - (i) requiring the use of development permits for subdivision and development,

- (ii) setting the terms and conditions under which development permits may be issued, refused, suspended, reinstated and revoked or may expire,
- (iii) providing penalties for failure to obtain development permits,
- (iv) providing methods, sanctions and procedures for ensuring compliance with the terms and conditions of development permits,
- (v) empowering and governing development agreements between the Minister and a developer,
- (vi) prescribing fees for development permits,
- (vii) providing for and authorizing the lawful inspection and entry therein of properties that are the subject of development permits;

environment protection

- (h) with respect to environmental protection and in particular
 - (i) establishing as a precondition to issue of a permit that the provisions of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the regulations thereunder and the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1 and the regulations thereunder be complied with,
 - (ii) that failure to comply be grounds for refusal or revocation of permits;

scenic heritage roads

- (i) repealed by 2005, c.46, s.1;

access to highways

- (j) with respect to access to streets and highways and in particular, subject to the provisions of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15,
 - (i) regulating access roads and lanes and driveways having access to a street or highway in accordance with the laws of the province,
 - (ii) requiring a permit before the construction of such roads, lanes and driveways,
 - (iii) imposing limitations or conditions on a permit;

mobile homes

- (k) with respect to mobile homes, mobile home courts, travel trailers used as a residence and travel trailer courts and in particular
 - (i) prescribing terms and conditions respecting their use, location, maintenance, design and construction,
 - (ii) requiring development permits for them;

special planning areas

- (l) repealed by 1991, c.30, s.1;

parking areas

- (m) with respect to vehicular parking and in particular
 - (i) regulating the allocation of space for parking and loading areas in each lot of a subdivision,
 - (ii) requiring the setting aside of land in a subdivision, building or development site for vehicular parking and loading including space for public transportation services;

summer cottages

- (n) with respect to summer cottages and in particular
 - (i) prescribing terms and conditions respecting their use, location,
 - (ii) prescribing terms and conditions respecting the subdivision and development of land for summer cottage purposes,
 - (iii) requiring development permits for summer cottage development and the subdivision of land for summer cottage use;

fees

- (o) prescribing fees in respect of an application for a subdivision approval or development permit;

land identification program

- (p) with respect to a land identification program to prevent commercial or industrial development or subdivision of identified land and respecting the particulars of a land identification agreement;

enforcement

- (q) with respect to the enforcement of this Act, regulations and bylaws and in particular
 - (i) empowering the Minister to take such remedial or other action as may be necessary to ensure compliance with this Act and the regulations, including the taking of an action required to be taken by a permittee or any other person,
 - (ii) empowering the Minister to incur such costs as are necessary in taking such remedial or other action and to charge them to the permittee or other person,
 - (iii) respecting the persons or officers, or classes of persons or officers, who have the power and authority to enforce this Act and the regulations or any specified provisions of this Act and the regulations, and
 - (iv) respecting the powers and duties of persons or officers who enforce this Act and the regulations or specified provisions of this Act and the regulations.

Municipal plan

- (1.1) Repealed by 1995, c.29, s.3.

Restrictions on zoning for public purposes

- (2) No zone shall be established pursuant to clause (1)(c) in which the land therein is used or intended to be used exclusively for public purposes unless all the land in the zone is owned by the Crown, a municipality or a public authority or is intended to be acquired by the Crown, a municipality or a public authority within six months after the date of establishment of the zone and, in the case of a zone established by a municipality on land owned by the Crown or a public authority, the written approval of the Crown or public authority is first obtained.

Subdivision agreement, effects of covenants

- (3) Where pursuant to this Act or any regulation made under subsection (1) an agreement respecting a subdivision of land is made by and between a developer and the Minister which provides for the incorporation of a company to hold and manage an area of land or facilities for the common benefit of the owners from time to time of land within the subdivision affected by the agreement, any covenants made pursuant to that agreement between the developer and the owners of land within the subdivision and expressed to run with the land

shall run with the land and be binding upon any subsequent owner thereof notwithstanding that such covenant is positive in nature.

Agreements run with land

- (3.1) A subdivision agreement, development charge agreement or development agreement between a developer and any other party and a council, or between a developer and any other party and the Minister, or a multipartite agreement involving developers, other parties, councils and the Minister, shall be registered in the office of the Registrar of Deeds for the county in which the land is situated, and a party to the agreement may enforce the provisions of the agreement against any other party to the agreement and against any or all subsequent owners or tenants of the land to which it applies.

Registration in registry office

- (4) Subsection (3) is of no effect unless and until the agreement referred to therein between the Minister and the developer and the covenants between the developer and the owners are registered in the office of the Registrar of Deeds for the county in which the land is situated.

Prohibitions

- (5) For the avoidance of doubt it is declared that the power to make regulations with respect to any activity or development pursuant to subsection (1) includes power to prohibit that activity or development.

Cancellation of land identification agreement

- (6) Where real property has been identified pursuant to the regulations made under clause (1)(p), the land identification agreement may be altered or cancelled only
- (a) by a majority vote of the Commission; and
 - (b) with the consent in writing of the current owner. *1988, c.4, s.8; 1991, c.30, s.1 {eff.} May 16/91; 1991, c.18, s.22 {eff.} Nov. 4/91; 1995, c.29, s.3 {eff.} Oct. 14/95; 2005, c.46, s.1; 2006, c.16, s.63(9.3); 2017, c.10, s.1(4); 2017, c.17, s.82 2017, c.61, s.35(3).*

8.1 Regulations, special planning areas

The Lieutenant Governor in Council may make regulations with respect to special planning areas and, in particular

- (a) establishing the special planning areas;
- (b) prescribing their geographical boundaries;
- (c) defining the objectives, purpose and function of the special planning areas;
- (d) regulating development in special planning areas;
- (e) superseding or suspending the application of the bylaws of a municipality or any part of such bylaws within a special planning area and substituting therefor regulations under this Act. *1991, c.30, s.2 {eff.} May 16/91; 1994, c.46, s.2 {eff.} July. 14/94.*

PART III — MUNICIPAL PLANNING

9. Responsibility of council

- (1) The council of a municipality which has an official plan adopted under this Act or a previous *Planning Act* is responsible for administration of the official plan within the boundaries of the municipality.

Consistency with provincial policies, etc.

(1.1) Where

- (a) a provincial land use and development policy pursuant to clause 7(1)(a);
- (b) minimum requirements applicable to official plans pursuant to clause 7(1)(b); or
- (c) regulations pursuant to clause 7(1)(c)

have been adopted, established or made, the land use policy of a council or the official bylaws of a municipality shall, subject to subsection 7(2), be consistent with them.

Planning board

- (2) The council of a municipality may appoint a planning board to prepare an official plan.

Duties and powers of planning board

- (3) The planning board has the following powers and duties:

- (a) to investigate and survey the physical, social and economic conditions in relation to the development of the municipality;
- (b) to recommend to the council, for its adoption, an interim planning policy;
- (c) to prepare and recommend to council for its adoption a proposed official plan;
- (d) to prepare and recommend to the council proposed alterations and additions to the official plan;
- (e) to recommend to the council bylaws in respect of the official plan;
- (f) to hold public meetings;
- (g) when requested by the council so to do, to prepare estimates of the cost of any public work, improvement, or other project; and
- (h) to perform such other duties of a planning nature as may be requested by the council.

Constitution

- (4) A planning board shall consist of

- (a) a chairman who shall be a member of the council; and
- (b) not less than two other members who may be members of the council.

Term of office

- (5) Members of a planning board hold office until their successors are appointed.

Notice to Minister

- (6) The council shall notify the Minister of the establishment of a planning board, give the names of the members thereof and notify the Minister of any changes in the membership of the board.

Remuneration

- (7) The members of a board shall receive such remuneration and expenses as the council may determine.

Powers

- (8) For the purpose of assisting a planning board to prepare an official plan, a council may

- (a) employ staff;
- (b) engage consultants;
- (c) incur expenditures;

- (d) study, investigate and survey physical, social and economic matters relevant to the preparation, amendment or implementation of an official plan. *1988, c.4, s.9; 1991, c.30, s.3 {eff.} May 16/91; 1994, c.46, s.3 {eff.} July 14/94; 1995c.29, s.3 {eff.} Oct. 14/95.*

INTERIM PLANNING POLICY

10. Interim planning policy

- (1) A planning board may recommend to the council the adoption of an interim planning policy containing limitations, restrictions and prohibitions on land use pending the completion of an official plan.

Refusal pending adoption of bylaws

- (2) The council or the Minister, as the case may be, may refuse to hear applications for subdivision approvals, development permits or building permits from the date of receipt by the council of the proposed interim planning policy until the bylaws giving effect to the policy come into force.

Notice

- (3) The council shall, before adopting an interim planning policy hold at least one public meeting, notice of which is published on at least two occasions in a newspaper circulating in the area, not less than seven days before the meeting, in order to give an opportunity to residents and other interested persons to make representation.

Public meeting during state of emergency

- (3.1) During a state of emergency, the public meeting referred to in subsection (3) may be held by telephonic or other electronic means and any person who, using the telephonic or electronic means provided, participates in, votes at or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting.

Minutes of meeting

- (4) The council shall maintain a record of the proceedings at the public meeting and, in particular, of the objections and representations made by the residents and other interested persons.

Bylaws

- (5) Within sixty days after the public meeting the council may, with the approval of the Minister, make bylaws to give effect to the interim planning policy.

Suspension of provincial regulations

- (5.1) Where a bylaw has been made under subsection (5), regulations made under subsection 8(1) are suspended while the bylaw is in effect.

Duration

- (6) The bylaws shall remain in effect for a period of six months but may be extended for a further period not exceeding six months.

Application

- (7) Bylaws giving effect to an interim planning policy do not apply in respect of any development for which application is made prior to the date of the receipt by the council of

the proposed interim planning policy from the planning board. 1988, c.4, s.10; 1995, c.29, s.5 {eff.} Oct. 14/95; 2021, c.14, s.2.

OFFICIAL PLAN

11. Opportunity for public input

- (1) Before recommending to the council the adoption of an official plan or any review of an official plan, the planning board shall give an opportunity to residents and other interested persons to make representations.

Public meeting

- (2) The board shall hold at least one public meeting, notice of which is published on at least two occasions in a newspaper circulating in the area indicating
- (a) in general terms, the content of the official plan or review of the official plan and the proposed implementing bylaws;
 - (b) the date, place and time of the meeting, which shall be held not less than seven clear days after the date of publication of the notice;
 - (c) the location at which copies of the proposed official plan or review of the official plan or proposed bylaws may be inspected during office hours; and
 - (d) that residents and other interested persons are invited to attend and make representations concerning the plan or review.

Public meeting during state of emergency

- (2.1) During a state of emergency, the public meeting referred to in subsection (2) may be held by telephonic or other electronic means and any person who, using the telephonic or electronic means provided, participates in, votes at or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting.

Public inspection of documents - electronic means

- (2.2) During a state of emergency, public inspection of the proposed official plan or review or proposed bylaws may be provided
- (a) by electronic means by posting the documents on a website accessible to the public; or
 - (b) if requested to do so by a person, by sending copies of the documents to the person by e-mail, mail or facsimile.

Minutes of meeting

- (3) The planning board shall maintain a record of the proceedings at the public meeting and, in particular, of the objections and representations made by residents and other interested persons. 1988, c.4, s.11; 2021, c.14, s.3.

12. Official plan

An official plan shall include

- (a) a statement of economic, physical, social and environmental objectives;
- (b) a statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;

- (c) proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved. 1988, c.4, s.12.

13. Approval by planning board

The planning board shall recommend to the council the adoption of an official plan if approved by a vote of the majority of the members of the board present and voting at a meeting thereof. 1988, c.4, s.13.

14. Adoption of plan

- (1) The council may adopt an official plan by resolution.

Procedure

- (2) Following the adoption of the official plan by the council, the plan

- (a) shall continue to be available for public inspection at the office of the municipality;
- (b) shall be submitted to the Minister for approval accompanied by a copy of the notice given under subsection 11(2) and a copy of the minutes of the public meeting.

Public inspection of official plan - electronic means

- (3) During a state of emergency, public inspection of the official plan may be provided
 - (a) by electronic means by posting the official plan on a website accessible to the public; or
 - (b) if requested to do so by a person, by sending a copy of the official plan to the person by e-mail, mail or facsimile. 1988,c.4,s.14; 1994,c.46,s.4 {eff.} Sept. 1/94; 2021,c.14,s.4.

15. Procedure following Minister approval

- (1) Following the approval of an official plan by the Minister

- (a) the plan becomes the official plan for the area;
- (b) a copy of the official plan as approved by the Minister shall be published in the Gazette;
- (c) the Minister shall deposit a copy of the official plan, certified by the chairman as a true copy, in the office of the Registrar of Deeds for the county to which the plan relates; and
- (d) the council shall, as soon as is practicable, cause bylaws to be made to implement the official plan.

Bylaws, conformity with plan

- (2) The bylaws or regulations made under clause (1)(d) shall conform with the official plan and in the event of any conflict or inconsistency, the official plan prevails. 1988, c.4, s.15; 1991, c.1, s.1; 1991, c.18, s.22; 1994, c.46, s.4 {eff.} Sept. 1/94; 1995, c.29, s.6 {eff.} Oct. 14/95.

15.1 Review

- (1) The council of a municipality shall review its official plan and bylaws at intervals of not more than five years and shall by resolution confirm or amend them and where the official plan and by laws were made or last reviewed more than three years before the date on which this section comes into force the council shall review them within three years of that date.

Declaration nullifying municipal bylaws

- (2) Where a council fails to comply with subsection (1), the Lieutenant Governor in council may, by order, declare that the official plan and bylaws, or parts thereof, are null and void.

Effect of order

- (3) Where an order is made under subsection (2),
- (a) the regulations made under clause 7(1)(c) or section 8, or such parts of them as are specified in the order, apply in the municipality in which the council has jurisdiction;
 - (b) to the extent that the official plan or bylaws are declared null and void, the Minister has exclusive jurisdiction with respect to subdivision approvals, development permits and building permits in the municipality, but any such approval or permit issued before the date of the order is valid if it complied with the official plan and bylaws in force at the time of issue. *1995, c.29, s.7 {eff.} Oct. 14/95.*

MUNICIPAL PLANNING BYLAWS

16. Municipal planning bylaws

A council may make bylaws implementing an official plan for the municipality. *1988, c.4, s.16.*

17. Approval of Minister

The bylaws shall be subject to the approval of the Minister and shall be effective on the date of approval by the Minister. *1988, c.4, s.17.*

18. Notice of meeting

- (1) Before making any bylaw the council shall
- (a) give an opportunity to residents and other interested persons to make representations; and
 - (b) at least seven clear days prior to the meeting, publish a notice in a newspaper circulating in the area indicating in general terms the nature of the proposed bylaw and the date, time and place of the council meeting at which it will be considered.

Bylaw amendment requiring official plan amendment

- (2) Where a bylaw amendment requires an amendment to the official plan pursuant to subsection 15(2), the council may consider the official plan amendment concurrently with the bylaw and shall
- (a) indicate in general terms, in the notice published under clause (1)(b), the nature of the proposed plan amendment; and
 - (b) give the planning board an opportunity to comment on the plan amendment prior to adoption of the amendment.

Council meeting during state of emergency

- (3) During a state of emergency, the council meeting referred to in subsection (1) may be held by telephonic or other electronic means and any person who, using the telephonic or electronic means provided, participates in, votes at or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting. *1988, c.4 s.18; 2021, c.14, s.5.*

19. Procedure

A bylaw shall be made in accordance with the following procedure:

- (a) it is read and formally approved by a majority of councillors on two occasions at meetings of the council held on different days;
- (b) after it is read a second time, it is formally adopted by resolution of the council;
- (c) it is signed by the mayor or chairman, the administrator and the Minister and formally declared to be passed, and sealed with the corporate seal of the municipality;
- (d) the minutes of the meeting record the name of the bylaw and the fact that it is passed; and
- (e) a copy of the bylaw bearing the signature of the mayor or chairman, the administrator and the Minister is entered into the register of bylaws retained by the administrator.

1988, c.4, s.19.

20. Bylaws

- (1) The powers of a council to make bylaws includes the power to make bylaws applicable within the municipality with respect to all of the matters set out in clauses 8(1)(a) to (q) except clauses (i), (l) and (p) as if
 - (a) references to the Crown were references to the municipality;
 - (b) references to the Minister were references to the council.

Development officer

- (2) A council may appoint a development officer to administer the bylaws for the council. *1988, c.4, s.20; 2017, c.10, s.1(5).*

20.1 Development charge bylaw

- (1) A council may make a development charge bylaw pursuant to subsection 20(1) for a purpose specified in clause 8(1)(e.1) if the development charge bylaw is based on
 - (a) a background study ordered or commissioned by the council that meets the requirements of this section and the regulations and that establishes the need for the eligible costs of the specified facilities and services in the area to which the bylaw will apply;
 - (b) council's consideration of the specified facilities and services in relation to the anticipated need for infrastructure growth; and
 - (c) council's consideration of the estimated timing of the introduction or expansion of the specified facilities and services.

Standards respecting background study

- (2) The background study referred to in subsection (1) shall be developed in accordance with the regulations and based on evidence and assumptions
 - (a) that are reasonable, correct and credible; and
 - (b) that were gathered and analyzed by a suitable and competent professional in compliance with generally accepted engineering principles.

Public notice

- (3) A council shall give public notice in accordance with the regulations before making, amending or repealing a development charge bylaw, indicating

- (a) its intention to make, amend or repeal the development charge bylaw;
- (b) the location where and times at which the background study referred to in subsection (1) may be inspected;
- (c) the location where and times at which the proposed bylaw or amending bylaw may be inspected; and
- (d) the deadline for submission of comments respecting the background study or the proposed bylaw.

Public meeting during state of emergency

- (3.1) During a state of emergency, a public meeting for the purpose of making a development charge bylaw may be held by telephonic or other electronic means and any person who, using the telephonic or electronic means provided, participates in, votes at or establishes a communications link to the meeting is deemed for the purposes of this Act to be present at the meeting.

Public inspection of documents - electronic means

- (3.2) During a state of emergency, public inspection of the background study or proposed development charge bylaw may be provided
- (a) by electronic means by posting the documents on a website accessible to the public; or
 - (b) if requested to do so by a person, by sending copies of the documents to the person by e-mail, mail or facsimile.

Application of provisions

- (4) Subsections 19(2) and (3) do not apply to the making of a development charge bylaw by a council.

Filing requirement

- (5) Within 21 days of the day on which the bylaw was made, amended or repealed, the council shall file with the Minister
- (a) a copy of the bylaw certified by the administrator and sealed with the municipal seal; and
 - (b) where the council made or amended a bylaw, a statutory declaration by the administrator that the council complied with the requirements of subsection (1).

Addition to register of bylaws

- (6) Where a development charge bylaw is made, amended or repealed by a council pursuant to this section, a sealed copy of the bylaw bearing the signature of the mayor and the chief administrative officer shall be entered into the register of bylaws retained by the municipality.

Commencement of development charge bylaw

- (7) A development charge bylaw or a bylaw amending or repealing it comes into force on the day it is passed or the day specified in the bylaw, whichever is later.

Duration of development charge bylaw

- (8) Unless it expires or is repealed earlier, a development charge bylaw expires five years after the day it comes into force.

New bylaw

- (9) Subsection (7) does not prevent a council from passing a new development charge bylaw. *2017, c.10, s.1(7); 2021, c.14, s.6.*

20.2 Eligible costs

- (1) Where a council of a municipality makes a development charge bylaw referred to in section 20.1, the development charge shall be used only to pay for
- (a) all or part of the on-site or off-site capital cost of
 - (i) new or expanded facilities and services for the supply and distribution of drinking water,
 - (ii) new or expanded facilities and services for the collection, treatment and disposal of waste water,
 - (iii) new or expanded facilities and services for the collection, treatment and disposal of sewage,
 - (iv) new or expanded facilities and services for the provision of storm water drainage, control and management,
 - (v) new or expanded facilities and services for the provision of transportation, including roads, traffic control, public transit, sidewalks and trails,
 - (vi) new or expanded facilities and services for electrical power generation, transmission and distribution,
 - (vii) land required for or in connection with facilities and services described in subclauses (i) to (vi), or
 - (viii) for any other purpose prescribed in the regulations; or
 - (b) the costs associated with the preparation of the background study required under subsection 20.1(1).

Imposing development charges

- (2) Where a council imposes a development charge for a purpose listed in subsection (1), the charge shall be imposed only once, and shall be paid at the time when the development or subdivision of the land is approved unless
- (a) the development charge bylaw includes provisions for the collection of the development charge in instalments; and
 - (b) the council has entered into a development charge agreement with the developer or any other party in accordance with subsection (3) that provides for the payment of development charges in instalments.

Contents of development charge agreement

- (3) A council may enter into a development charge agreement with a developer and any other party that
- (a) provides for the payment of development charges in instalments;
 - (b) permits the developer or any other party to provide specified services or extended services in lieu of the payment of all or a part of the charges in accordance with the terms of the agreement;
 - (c) provides for the provision of security by the developer or any other party to ensure that the charges are paid when due; or
 - (d) provides for any other matter necessary or desirable to effect the agreement.

Reserve fund for specific purpose

- (4) All money received by the council under a bylaw made pursuant to this section shall be paid into a separate reserve fund established for the specific purpose for which it was collected as described in subsection (1), and the money in that reserve fund shall be expended by the council for the specific purpose for which it was collected and for no other purpose.

“Facilities and services”, clarified

- (5) In this section and section 20.1, “**facilities and services**” include structures, landscaping and earthworks. *2017,c.10,s.1(6).*

RETURNS

21. Statistical return

The council of a municipality shall forward to the Minister an annual statistical return showing all subdivision plans approved and development permits issued in the municipality. *1988, c.4, s.2; 2017,c.10,s.1(7).*

JOINT PLANNING BOARD

22. Joint planning boards

- (1) Where two or more councils wish to establish a joint planning board, they may do so by passing a joint resolution to that effect setting out the representation and functions of the joint planning board.

Application

- (2) The provisions of this Part apply, with the necessary changes, to a joint planning board as if it were a planning board for the relevant area. *1988, c.4, s.22.*

PART IV — NOTICE AND ENFORCEMENT

23. Definition

In this Part “appropriate authority” means the Minister or a council, as the case may be. *1988,c.4,s.23.*

23.1 Notice of decision of Minister or council

- (1) Where
- (a) the Minister makes a decision of a type described in subsection 28(1); or
 - (b) the council of a municipality makes a decision of a type described in subsection 28(1.1)

the Minister or council, as the case may be, shall, within seven days of the date the decision is made, cause a written notice of the decision to be posted

- (c) on an Internet website accessible to the public; and
- (d) at a location accessible to the public during business hours,

- (i) if the decision is made by the Minister, in
 - (A) a provincial government office in Charlottetown, and
 - (B) a provincial government office in the county where the land that is the subject of the decision is located, or
- (ii) if the decision is made by the council of a municipality, in that municipality.

Contents of notice

- (2) A notice of a decision that is required to be posted under subsection (1) shall contain
 - (a) a description of the land that is the subject of the decision;
 - (b) a description of the nature of the application in respect of which the decision is made;
 - (c) the date of the decision;
 - (d) the date on which the right to appeal the decision under section 28 expires; and
 - (e) the phone number of a person or an office at which the public may obtain more information about the decision.

Public inspection of documents - electronic means

- (3) During a state of emergency, public inspection of the notice of the decision of the Minister or council may be provided
 - (a) by electronic means by posting the document on a website accessible to the public; or
 - (b) if requested to do so by a person, by sending a copy of the document to the person by e-mail, mail or facsimile. *2006, c.15, s.1; 2021, c.14, s.7.*

24. Enforcement

- (1) Any bylaw or regulation made pursuant to the powers conferred by this Act or a bylaw made under the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, relating to planning matters may be enforced and the breach thereof may be restrained by application at the instance of the appropriate authority to the Supreme Court.

Remedies

- (2) In any proceeding commenced under subsection (1), the Supreme Court or a judge thereof may grant one or more of the following:
 - (a) a declaration that an act engaged in or about to be engaged in by a person is or will be a breach of any bylaw or regulation or provision of this Act;
 - (b) an injunction restraining any person from breaching or continuing to breach any such bylaw, regulation or provision;
 - (c) an order directing any person to comply with the requirements of any such bylaw, regulation or provision and directing that compliance be carried out under the supervision of a named person;
 - (d) such other order as the court or judge may determine.

Absence of approval

- (3) Where any subdivision of land or a lot within a subdivision requires the approval of the appropriate authority, no person shall convey a lot without first obtaining approval and no building or development permit shall be issued by the appropriate authority prior to approval of the subdivision of land or the lot within the subdivision. *1988, c.4, s.24; 1994, c.6, sch.2 {eff.} March 31/95; 2019, c.27, s.22.*

25. Evidentiary provisions

In any prosecution for an offence under this Act

- (a) *prima facie* proof that a permit or license under this Act or the regulations has or has not been issued may be made by a certificate purporting to be signed by the executive director of the Commission or by an officer of the Department of Agriculture and Land and, where the name in the certificate is the same as the name of the person charged with the offence, it shall be *prima facie* proof that he is the person named in the certificate;
- (b) *prima facie* proof of the boundaries of any municipality may be made by a certificate purporting to be signed by the administrator setting out the legal description of the boundaries;
- (c) proof that a municipality is or is not incorporated may be made by a certificate purporting to be signed by the administrator specifying in the case of incorporation the date of incorporation. 1988, c.4, s.25; 1993, c.29, s.4; 1997, c.20, s.3; 2000, c.5, s.3; 2009, c.73, s.2; 2010, c.31, s.3; 2012, c.17, s.2; 2015, c.28, s.3; 2019, c.1, s.3.

26. Offence and penalty

- (1) Every person who contravenes any provision of this Act or any bylaw or regulation made under this Act is guilty of an offence and liable on summary conviction
 - (a) on a first conviction, to a fine not exceeding \$2,000;
 - (b) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.

Limitation period

- (2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred. 1988, c.4, s.26; 1994, c.46, s.5 [eff.] July 14/94.

27. Production of permit

- (1) Where any building or structure is being constructed or other activity performed for which a permit is required under any bylaw or regulation made pursuant to this Act, a person authorized by the Minister or the council may require the person constructing the building or structure or performing the activity to show to him the permit therefor and on failure to do so within one day thereafter, that person is guilty of an offence.

Power of entry

- (2) For the purposes of subsection (1), a person authorized by the Minister or the council may enter upon any lands upon which the building or structure is being constructed or the activity performed. 1988, c.4, s.27.

PART V — APPEALS

28. Appeals from decisions of Minister

- (1) Subject to subsections (1.2) to (4), any person who is dissatisfied by a decision of the Minister that is made in respect of an application by the person, or any other person, pursuant to the regulations for
 - (a) a development permit;

- (b) a preliminary approval of a subdivision or a resort development;
- (c) a final approval of a subdivision;
- (d) the approval of a change of use; or
- (e) any other authorization or approval that the Minister may grant or issue under the regulations,

may appeal the decision to the Commission by filing with the Commission a notice of appeal.

Appeals from decisions of council

- (1.1) Subject to subsections (1.2) to (1.4), any person who is dissatisfied by a decision of the council of a municipality
- (a) that is made in respect of an application by the person, or any other person, under a bylaw for
 - (i) a development permit,
 - (i.1) an occupancy permit, in relation to a matter under this Act or the regulations,
 - (ii) a preliminary approval of a subdivision,
 - (iii) a final approval of a subdivision; or
 - (b) to adopt an amendment to a bylaw, including
 - (i) an amendment to a zoning map established in a bylaw, or
 - (ii) an amendment to the text of a bylaw,

may appeal the decision to the Commission by filing with the Commission a notice of appeal.

“bylaw”

- (1.2) In subsection (1.1) and subsection (1.4) “**bylaw**” means a bylaw made under this Act.

Notice of appeal and time for filing

- (1.3) A notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

Council decision that requires Minister’s approval

- (1.4) For greater certainty, where a person is dissatisfied by the decision of a council of a municipality to adopt an amendment to a bylaw, the 21-day period for filing a notice of appeal under this section commences on the date that the council gave final reading to the amendment to the bylaw.

Elimination of appeal when development approved under *Environmental Protection Act*

- (2) Where the Lieutenant Governor in Council has by order declared that
- (a) a development for which approval is required under the *Environmental Protection Act* has met all the requirements of that Act and written approval has been given;
 - (a.1) a development for which approval is required under the *Water Act* has met all the requirements of that Act and written approval has been given; and
 - (b) the right of appeal to the Commission in respect of that development should be curtailed,

subsection (1) has no application and there is no right of appeal to the Commission in respect of a decision on that development.

Reasons to be tabled

- (3) Where a declaration has been made under subsection (2), the Lieutenant Governor in Council shall submit to the next session of the Legislative Assembly a statement of the reasons for making the declaration.

Exceptions

- (4) No appeal lies from a decision of the council or the Minister respecting
- (a) the final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision; or
 - (b) the final approval of a subdivision or development permit within a resort development, where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of that subdivision or development.

Notice

- (5) A notice of appeal to the Commission under subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.

Service upon council or Minister

- (6) The appellant shall, within seven days of filing an appeal with the Commission, serve a copy of the notice of appeal on the council or the Minister, as the case may be.

Procedure

- (7) Subject to adherence to the rules of natural justice, the Commission shall determine its own procedure.

Order

- (8) The Commission shall hear and decide appeals and shall issue an order giving effect to its disposition.

Reasons

- (9) The Commission shall give reasons for its decision.

Implementation

- (10) The council or the Minister, as the case may be, shall implement an order made by the Commission.

Action by Commission

- (11) Where the council or the Minister, as the case may be, fails to implement an order made under subsection (8), the Commission, on its own initiative or the initiative of an interested person, may act in the name of the council or the Minister to implement the order. *1995, c.29, s.8 {eff.} Oct. 14/95; 2001, c.47,s.1; 2006,c.15,s.2; 2017,c.17,s.822017,c.61,s.35(4).*

PART VI — MAJOR DEVELOPMENT

Sections 29 to 39 repealed by 1999, c.39, s.1.

PART VII — MAJOR RETAIL DEVELOPMENT

Sections 40 to 43 repealed by 1991, c.30, s.5 {eff.} May 16/91.

PART VIII — GENERAL

44. Transitional

The Lieutenant Governor in Council may make regulations for the effective transition from the administration of the *Planning Act* R.S.P.E.I. 1974, Cap. P-6 to this Act and the regulations may include provisions for the lapse of existing municipal bylaws unless an official plan is adopted by the municipality within such period as may be prescribed. 1988, c.4, s.44.

45. Agreements re land identification program

Agreements made or deemed to be entered into under the land identification program established under the *Planning Act* R.S.P.E.I. 1974, Cap. P-6

- (a) where the land is identified for agricultural use, shall cease to have effect and are deemed to be null and void on the date this Act comes into force;
- (b) where the land is identified for non-development use, shall continue in force and shall have effect as if made in accordance with regulations made under clause 8(1)(p). 1988, c.4, s.46; 1990, c.44, s.2.

46. Existing official plans and bylaws

- (1) Where, on the date this section comes into force, a municipality has an official plan or a bylaw controlling development made under this or any other Act, the official plan or bylaw shall, unless earlier revoked or replaced by the council of the new municipality created under the *Charlottetown Area Municipalities Act* or the *City of Summerside Act*, remain in effect until October 14, 1998 and shall be deemed to have been adopted or made by the council of the new municipality.

Idem

- (2) Where an area under the jurisdiction of the Minister for development control purposes becomes a part of a new municipality referred to in subsection (1), the regulations made under the *Planning Act* shall, unless earlier revoked or replaced by the council of the new municipality created under the *Charlottetown Area Municipalities Act* or the *City of Summerside Act*, remain in effect for a period of up to three years and shall be deemed to have been adopted or made by the council of the new municipality. 1994, c.46, s.6 {eff.} Mar.31/95; 1998, c.76, s.1.

47. Transitional

- (1) A subdivision approval, development permit or building permit issued by the council of municipality after May 16, 1991, and before the date on which this section comes into force shall be deemed to have been validly issued if it complied with the official plan and bylaws then in force and shall not be liable to challenge on the ground that the official plan and bylaws were less stringent than the regulations made under this Act.

Existing decision of Commission

- (2) Notwithstanding subsection (1), any decision of the Commission on the issue of whether a particular official plan or bylaw was or was not less stringent than the regulations shall stand.
1995, c.29, s.10.