

From: [McKenna, Melanie \(Charlottetown\)](#)
To: [Richard Collier](#); [Jessica Gillis](#); [Philip Rafuse](#)
Cc: [Andrea Matters](#); [Caroline Davison](#); [Hooley, David \(Charlottetown\)](#); [Janine MacLean](#)
Subject: RE: Record - LA23-021 - Currie//Minister of HLC
Date: Monday, November 27, 2023 4:42:00 PM
Attachments: [November 3, 2022.pdf](#)
[July 28, 2022.pdf](#)
[February 10, 2022.pdf](#)
[October 12, 2022.pdf](#)

Good Afternoon:

Thank you for sending the additional record. Respectfully, we remain of the view that the Record remains incomplete. The record does not include any communications whatsoever prior to October 6, 2022 when West River adopted its Official Plan (“OP”) and Bylaw. Yet, we know from the Currie’s records that there had been an ongoing dialogue between the Department, the Currie’s and their surveyor’s for some time prior to October 6, 2022. These documents are integral to the genesis or history of the final application.

Our client’s final subdivision application was submitted on July 17, 2023, a few days prior to the Minister’s approval of West Rivers’ OP and Bylaw and as shown at Tab 6 of the Record. However, we have appealed correspondence from the Minister which encompasses more than the bare July 17, 2023 Subdivision Application. There were many iterations of conversations and applications that were before the Minister for PIDs 201509 and 201517 before July 23, 2023 and indeed before October 6, 2022. We believe that all information from the Minister’s files regarding the various stages of this application are relevant and required for a complete understanding of an issue - as per Rule 46 of the Commission’s Rules of Practice and Procedure.

By way of example, we have attached several earlier emails between our clients and different personnel from the Province. These are the types of communications that are, in our opinion, relevant to this appeal and should form part of the record. None of these appear in the record. We believe there are likely more such communications which ought reasonably form part of the Minister’s record. Without this correspondence, and any applications associated with it, our client is not able to fully evaluate their position. As to the relevance of documents forming part of the genesis of the S/D application itself, see *Smith’s Field Manor Development Ltd. v Halifax (City)*, 1988 CarswellINS 67.

As a result, we are requesting that the Commission request a further full and complete record from the Minister that includes all correspondence leading to and related to applications for PID 201509 and 201517. Given that the Minister will require some time to collect this information, we would request an adjournment to our submissions on the jurisdiction issue to two (2) weeks from the date the Minister’s complete record is submitted.

In the alternative, if the Commission denies our request for further disclosure via the Minister’s record, we request an adjournment for receipt of our submissions on jurisdiction until January 5, 2024. We have submitted a FOIPP request to the Province on behalf of our clients, which is scheduled to be received on December 22, 2023. We are hopeful that the disclosure from the FOIPP request will provide us a full picture and we will

then be in a position to finalize our submissions on jurisdiction.

We thank you for your consideration and look forward to hearing from you.

Best,
Melanie

Melanie McKenna
she/her
Associate | Cox & Palmer
P 902 629 3929
E mmckenna@coxandpalmer.com
F 902 566 2639
Dominion Building, 97 Queen Street Suite 600, Charlottetown, PE C1A 4A9

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From: Richard Collier <racollier@gov.pe.ca>
Sent: Friday, November 17, 2023 4:03 PM
To: Jessica Gillis <jgillis@irac.pe.ca>; Philip Rafuse <PJRafuse@irac.pe.ca>
Cc: Andrea Matters <atmatters@gov.pe.ca>; Caroline Davison <carolinedavison@gov.pe.ca>; Hooley, David (Charlottetown) <dhooley@coxandpalmer.com>; McKenna, Melanie (Charlottetown) <mmckenna@coxandpalmer.com>; Janine MacLean <jmaclean@irac.pe.ca>
Subject: Record - LA23-021 - Currie//Minister of HLC

WARNING - This Message originated outside your organization. Please be cautious when opening attachments or clicking on links.

Good afternoon folks,

Please see attached the Record relating to the above-noted appeal. It is right about the size limit for attachments for some organizations so if there are any issues with opening, please let me know.

Best Regards,

Richard

RICHARD A. COLLIER
Departmental Solicitor
Justice and Public Safety
Legal Services Section
Shaw Building, 4th Floor South
95 Rochford Street,
P.O. Box 2000
Charlottetown, PE C1A 7N8
Telephone: (902) 368-5064

Email: racollier@gov.pe.ca

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Kris Currie <kris@countryviewgolf.com>

Goose creek

3 messages

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Dean Carroll <ddcarroll@gov.pe.ca>

Thu, Feb 10, 2022 at 12:30 PM

Hey Dean, just checking in, are those plans ready to pick up?

Kris Currie
Countryview Golf Club
9029400269

Dean Carroll <ddcarroll@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Fri, Feb 11, 2022 at 9:32 AM

Good morning Kris,

Your file got sent to Eugene Lloyd to work on. You can send him an email at emlloyd@gov.pe.ca to see where he's at with the plans!

Cheers,
Dean

[Quoted text hidden]

Caution External Email - Do not click links or open attachments unless you recognize the sender.

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Dean Carroll <ddcarroll@gov.pe.ca>

Fri, Feb 11, 2022 at 12:53 PM

Perfect. Thanks Dean! Enjoy the weekend

Kris Currie
Countryview Golf Club
9029400269

> On Feb 11, 2022, at 9:32 AM, Dean Carroll <ddcarroll@gov.pe.ca> wrote:

>

> Good morning Kris,

[Quoted text hidden]



Kris Currie <kris@countryviewgolf.com>

Goose creek

1 message

kris@countryviewgolf.com <kris@countryviewgolf.com>

Fri, Feb 11, 2022 at 1:05 PM

To: emlloyd@gov.pe.ca

Hey Eugene, just checking in on where we are with goose creek lots. Thanks

Kris Currie
Countryview Golf Club
9029400269

Fairview - Currie Subdivision

6 messages

Tony Inman <tonyinman.ise@gmail.com>
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Cc: kris@countryviewgolf.com

Thu, Jul 28, 2022 at 11:35 AM

Hi Shawn,

Here is the preliminary plan for Currie's subdivision in Fairview. Their plan is to have the road built to DOT spec so that won't be a concern.

Please provide any comments or feedback.
Thanks,
Tony

--
Kind regards,

Anthony D. Inman, PEILS
Island Surveying and Engineering Ltd.

Address
Island Surveying & Engineering LTD.
134 Longworth Avenue
Charlottetown, PE
C1A 5B3
Canada

Phone (902) 394.3349
E-mail ise@pei.sympatico.ca



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 **21406 (-2) (REV 2) DRAFT July 27.pdf**
703K

Shawn MacFarlane <smacfarlane@gov.pe.ca>
To: Tony Inman <tonyinman.ise@gmail.com>
Cc: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Fri, Jul 29, 2022 at 9:49 AM

Received. Thanks Tony.

I am just waiting on sight line confirmation to be supplied by the Department of Transportation before I am able to finalize my evaluation.

I will reach out as soon as I have the necessary comments.

Let me know if you have any questions or need anything else.

Thanks,

Shawn

From: Tony Inman <tonyinman.ise@gmail.com>
Sent: Thursday, July 28, 2022 11:35 AM
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Cc: kris@countryviewgolf.com
Subject: Fairview - Currie Subdivision

This email had an attachment that has been modified because it contained a possible threat. It is now safe for use; however some functionality may have been removed.

Hi Shawn,

Here is the preliminary plan for Currie's subdivision in Fairview. Their plan is to have the road built to DOT spec so that won't be a concern.

Please provide any comments or feedback.

Thanks,

Tony

--

Kind regards,

Anthony D. Inman, PEILS

Island Surveying and Engineering Ltd.

Address

Island Surveying & Engineering LTD.
[134 Longworth Avenue](#)
Charlottetown, PE

C1A 5B3
Canada

Phone (902) 394.3349
E-mail ise@pei.sympatico.ca

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Tony Inman <tonyinman.ise@gmail.com>
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>
Cc: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Fri, Jul 29, 2022 at 10:23 AM

Thanks Shawn.

As we have an engineer working on the road layout, do you see any issues with the general road layout in theory..... as in the way we have the road accessing the shore lots and ending at the cul de sac?

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

Shawn MacFarlane <smacfarlane@gov.pe.ca>
To: Tony Inman <tonyinman.ise@gmail.com>
Cc: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Fri, Jul 29, 2022 at 10:29 AM

I would be cautious commenting on the general road layout as that is typically evaluated by the Department of Transportation. My only concern at the moment would be limitations with respect to the safe stopping distance and possibly having to relocate the entrance to the proposed private road.

[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>

Fri, Jul 29, 2022 at 12:17 PM

Alan Aiken was out last fall and ok'd it. I actually just left the site with Trevor from summerside dept of transportation and he remeasured. Should be some paper work in the next day or so. Have a great weekend guys.

Kris Currie
Countryview Golf Club
9029400269

On Jul 29, 2022, at 10:29 AM, Shawn MacFarlane <smacfarlane@gov.pe.ca> wrote:

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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[Quoted text hidden]

[Redacted signature]

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--

Kind regards,

Anthony D. Inman, PEILS

Island Surveying and Engineering Ltd.

Address

Island Surveying & Engineering LTD.
134 Longworth Avenue
Charlottetown, PE
C1A 5B3
Canada

Phone (902) 394.3349

E-mail ise@pei.sympatico.ca

[Redacted signature]

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mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>

Tue, Oct 18, 2022 at 3:47 PM

Hey Shawn, just checking in. If you get a free minute could you give me a call. Thanks

Kris Currie
Countryview Golf Club
9029400269

On Jul 29, 2022, at 10:29 AM, Shawn MacFarlane <smacfarlane@gov.pe.ca> wrote:

I would be cautious commenting on the general road layout as that is typically evaluated by the Department of Transportation. My only concern at the moment would be limitations with respect to the safe stopping distance and possibly having to relocate the entrance to the proposed private road.

[Quoted text hidden]

[Quoted text hidden]

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--

[Quoted text hidden]

[Redacted signature block]

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--

Kind regards,

Anthony D. Inman, PEILS

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134 Longworth Avenue
Charlottetown, PE
C1A 5B3
Canada

Phone (902) 394.3349

E-mail ise@pei.sympatico.ca

[Redacted]

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[Quoted text hidden]



Kris Currie <kris@countryviewgolf.com>

Fairview 2- 5 lot

14 messages

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Oct 12, 2022 at 9:48 AM

Good morning Eugene, just checking in on the two 5 lot subdivision and also the overall plan for 20 in Fairview. Chad with SCL was going to try and get Brent out with transportation this week, just wondering if I should contact Chris with easttech to do more test pits for the remaining lots? Dave with easttech plans to do compaction test this week also. Trying to get all this finished up this month before freeze up. Thanks

Kris Currie
Countryview Golf Club
9029400269

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Oct 12, 2022 at 9:51 AM

Brett Wallace *

Kris Currie
Countryview Golf Club
9029400269

> On Oct 12, 2022, at 9:48 AM, kris@countryviewgolf.com wrote:

>

> Good morning Eugene, just checking in on the two 5 lot subdivision and also the overall plan for 20 in Fairview. Chad with SCL was going to try and get Brent out with transportation this week, just wondering if I should contact Chris with easttech to do more test pits for the remaining lots? Dave with easttech plans to do compaction test this week also. Trying to get all this finished up this month before freeze up. Thanks

[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Wed, Oct 12, 2022 at 9:54 AM

I've forwarded this to Shawn MacFarlane as I believe he is currently assigned this file.

Thank you

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

[Quoted text hidden]

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kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Oct 12, 2022 at 9:55 AM

Thanks Eugene, hopefully Fiona was easy on the tree trimming for ya ! Still going here

Kris Currie
Countryview Golf Club
9029400269

> On Oct 12, 2022, at 9:54 AM, Eugene Lloyd <emlloyd@gov.pe.ca> wrote:
>
> I've forwarded this to Shawn MacFarlane as I believe he is currently assigned this file.
[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Wed, Oct 12, 2022 at 9:59 AM

Nope, I lost every tree along the water...some were 100 feet high. Still doing lots of clean up.
[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Oct 12, 2022 at 10:08 AM

Wow! Hopefully a better view when it's all done we are 5-600 down here.

Kris Currie
Countryview Golf Club
9029400269

> On Oct 12, 2022, at 9:59 AM, Eugene Lloyd <emlloyd@gov.pe.ca> wrote:
>
> Nope, I lost every tree along the water...some were 100 feet high. Still doing lots of clean up.
[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Wed, Oct 12, 2022 at 10:11 AM

Wow, might improve my golf game!!!
[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Wed, Oct 26, 2022 at 1:51 PM

Good afternoon Kris,

I've been speaking with Shawn on your file and I wanted to reach out before you got too far along with the road construction, etc. Over the past year or so we've implemented a new part of our process where all subdivision applications for more than 5 lots are to be reviewed by our Planner. As yours is now being proposed to be beyond 5 lots, it requires our Planner to perform this review and provide Shawn with a recommendation as to whether the proposal should be given favorable consideration or not (from a planning perspective). Until we have this recommendation, it would be highly recommended that you cease all activity on the road or any other expenses associated with this proposal. As these recommendation can go either way, we certainly wouldn't want you to invest any further financial commitments until we know the outcome of the Planning review.

I realize this is a little late coming but with all the new staff, new regulation amendments and new/updated processes and procedures, it does get confusing for staff and some aspects of the evaluation are unfortunately delayed until further in the process.

Our Planner is currently working on this file as we speak and we should have a recommendation very soon. I'll reach out once I know the outcome.

Thanks again for your patience and understanding.
[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Oct 26, 2022 at 2:35 PM

Thanks gravel trucks running all week, will focus on the main road for now. Who's the planner? Would love to get a site meeting.
What would see it not approved Eugene?

Kris Currie
Countryview Golf Club
9029400269

> On Oct 26, 2022, at 1:51 PM, Eugene Lloyd <emlloyd@gov.pe.ca> wrote:

>

> Good afternoon Kris,

[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Wed, Oct 26, 2022 at 2:38 PM

Thanks Kris. There can be many factors such as the number of already available lots in the area, compatibility, removal of existing or potential resource lands, things like that perhaps.

Get [Outlook for iOS](#)

From: kris@countryviewgolf.com <kris@countryviewgolf.com>

Sent: Wednesday, October 26, 2022 2:35:15 PM

[Quoted text hidden]

[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Wed, Dec 14, 2022 at 3:20 PM

Good afternoon Eugene, looks like Peter and Helen seen I was away and went into attack mode. Do you need anything else for the engineered road?

When will we see final approval for those lots,

Thanks

Kris Currie
Countryview Golf Club
9029400269

On Oct 26, 2022, at 2:38 PM, Eugene Lloyd <emlloyd@gov.pe.ca> wrote:

[Quoted text hidden]

Eugene Lloyd <EMLLOYD@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>

Thu, Dec 15, 2022 at 9:42 AM

Good morning Kris,

I'll follow up with staff to determine where we are in the process.

Thank you

Eugene Lloyd

Manager (Acting) of Provincial Planning

31 Gordon Drive

Charlottetown, PE C1A 7N8

(ph) 902-368-4465

[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Eugene Lloyd <emlloyd@gov.pe.ca>

Thu, Dec 15, 2022 at 9:43 AM

Thank you

Kris Currie
Countryview Golf Club
9029400269

On Dec 15, 2022, at 9:42 AM, Eugene Lloyd <emlloyd@gov.pe.ca> wrote:

[Quoted text hidden]

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Karen Currie <karen@countryviewgolf.com>

Fri, Sep 1, 2023 at 2:08 PM

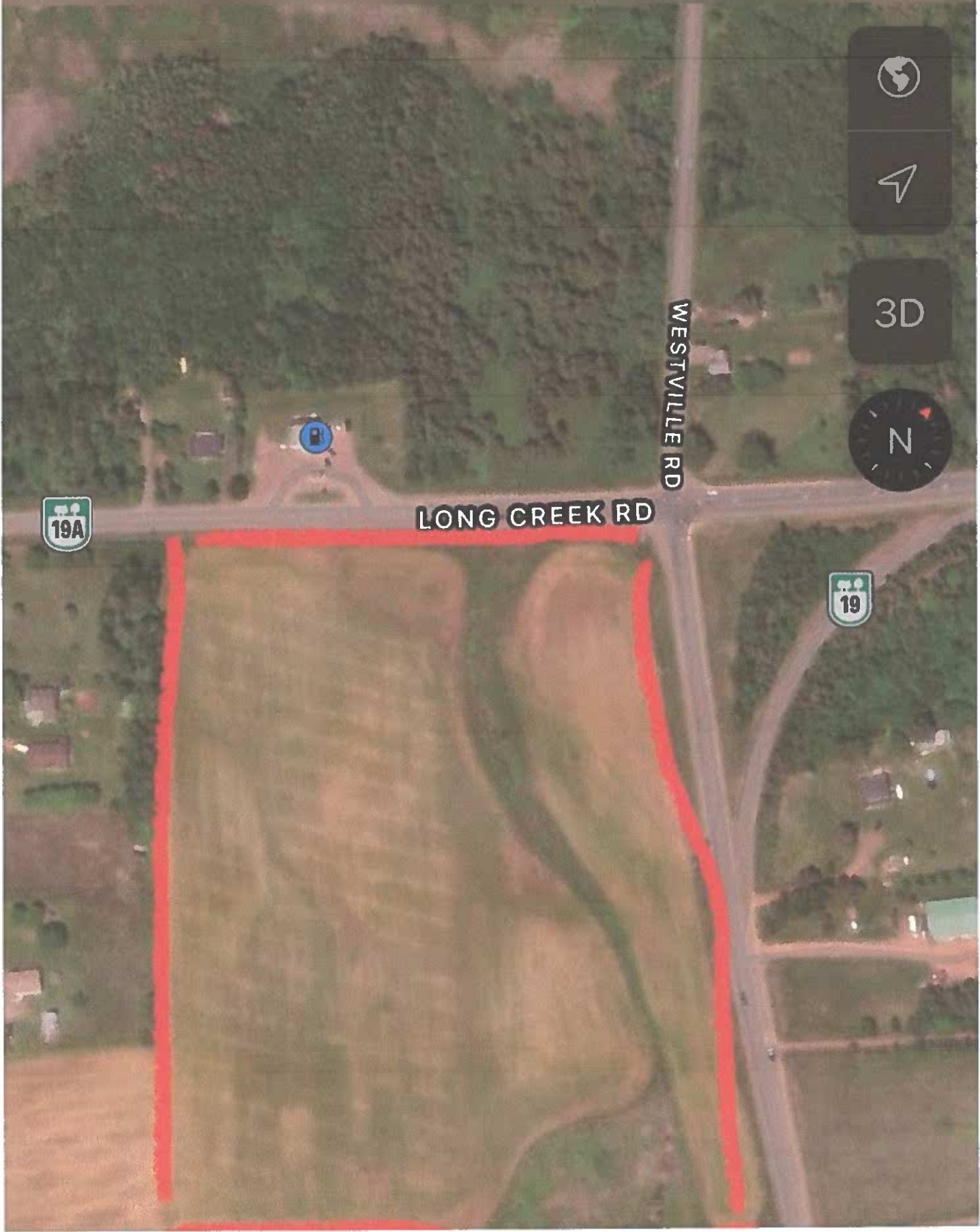
Kris Currie
Countryview Golf Club

Begin forwarded message:

From: kris@countryviewgolf.com
Date: December 15, 2022 at 9:43:24 AM AST
To: Eugene Lloyd <emlloyd@gov.pe.ca>
Subject: Re: Fairview 2- 5 lot

Thank you
[Quoted text hidden]

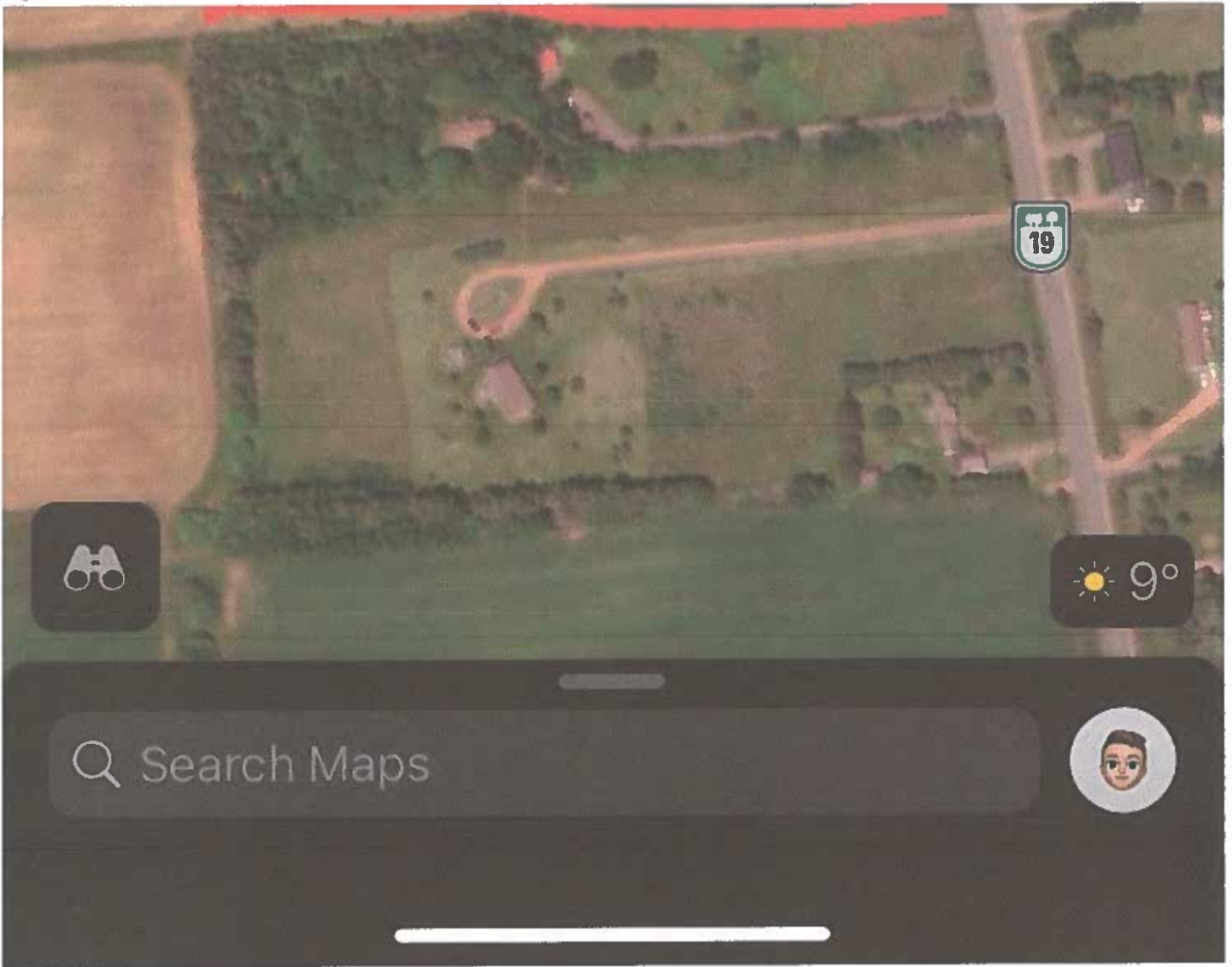
5:12



LONG CREEK RD

WESTVILLE RD





Let me know thanks.

Kris Currie
Countryview Golf Club
9029400269

 **sub-divide_change_of_use_app.pdf**
899K

Fairview

2 messages

kris@countryviewgolf.com <kris@countryviewgolf.com>
To: Shawn MacFarlane <smacfarlane@gov.pe.ca>

Thu, Nov 3, 2022 at 8:40 AM

Good morning Shawn, I had received an email from Eugene last week stating to halt road construction? We are good for the two submissions correct ?

Eugene and Alex did land out for a site visit Thursday and we had a good chat on all things. I said I needed to keep trucks rolling for gravel as we need to travel that road all winter for my folks home, we will concentrate on the East. I don't need the frost getting into that roadway and reeking it, time is not on our side lol.

Do I need to get Chris with Easttech out to test for the next 11 lots off Rivers Edge for a total of 20? He said he could squeeze it in. Would really like to get this all done before West river takes over everything. The CAO seems to have it out for me after standing up for land owners out here.

Talked with Minister Mackay on the need for housing in rural areas, only way to get door costs down for young people to enter the housing market, he's in favour. I have an opportunity to purchase 15 acres in New dominion, do you see any objections to developing this land with smart starter homes?

Let me know thanks.

Kris Currie
Countryview Golf Club
9029400269



image0.jpeg
265K

Shawn MacFarlane <smacfarlane@gov.pe.ca>
To: "kris@countryviewgolf.com" <kris@countryviewgolf.com>
Cc: Eugene Lloyd <EMLLOYD@gov.pe.ca>

Thu, Nov 10, 2022 at 8:52 AM

Good Morning Kris,

The original subdivision submissions of 5 lots each are the applications that are currently under review by our Land Use and Planning Act Specialist. At this time, we are unable to finalize this evaluation and ultimately render a decision on these lots until the report has been reviewed.

As for the 15 acres in New Dominion, in order to accurately evaluate this proposal, I would recommend submitting a change of use application (attached) to our department for review. This application will allow our staff to complete the necessary research and circulation to ascertain this parcels ability to support the proposal.

We will reach out regarding your Fairview proposal as soon as the decision has been made.

Let me know if you have any questions or need anything else.

Thanks,
Shawn

[Quoted text hidden]

[Quoted text hidden]

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