



RECEIVED: October 04, 2023

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 Municipality Eastern Kings (name of City, Town or Community) on the 15th day of September, 2023, wherein the Minister/Community Council made a decision to deny an application for a development permit dated April 6, 2021 relating to lands known as 4446 East Point Road, being PID 819854

(attach a copy of the decision).

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

See Schedule "A"

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 Schedule "A"

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

Name(s) of Appellant(s): Jeff Klein Signature(s) of Appellant(s): 
Please Print

Mailing Address: c/o Key Murray Law; 80 Grafton St City/Town: Charlottetown

Province: PE Postal Code: C1A 1K7

Email Address: See Schedule "A" Telephone: 902-894-7051

Dated this 4th day of October, 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 (Schedule "A")

Pursuant to Section 28 of the Planning Act

TAKE NOTICE that Jeff Klein hereby appeals the decision made by the Rural Municipality of Eastern Kings on the 15th day of September 2023, wherein the Community Council made a decision to:

- Deny an application for a Development Permit dated the 6th day of April 2021, relating to lands known as 4446 East Point Road, being PID 819854.

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:

- The Municipality failed to follow the the proper process and procedure as required in its Bylaw, in the *Planning Act* and in the law in general, including the principles of natural justice and fairness, in making its decision on the development permit application:
 - The Appellant submitted an application for a development permit on or about the 6th day of April 2021 which was complete in all material respects;
 - Notice of the decision to deny the application was provided orally to the appellant on September 15, 2023;
 - No written notice was provided to the appellant;
 - No reasons were given for the decision;
 - No notice in accordance with Section 23.1 of the *Planning Act* was given;
 - The Municipality fettered its discretion, failed to exercise independent judgment, and based its decision on arbitrary and irrelevant considerations, including:
 - input from the Department of Environment, Energy and Climate Action, which is in a conflict of interest due to a proposed renewable energy project on neighbouring lands.
- The proposed development has merit based on sound planning principles within the field of land use and urban planning and as enumerated in the Municipality's Official Plan.
 - The Municipality failed to base its decision on sound planning principles.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28(5) of the *Planning Act*, I seek the following relief:

- That the appeal be allowed, and the decision of the Rural Municipality of Eastern Kings be quashed, and the Development Permit be approved.

DATED this 4th day of October, 2023.



**M. LYNN MURRAY, KC &
IAIN M. McCARVILL**

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