



January 17, 2024

**VIA EMAIL**

Crystal Birt  
1607 Mt. Stewart Rd.  
Mount Stewart, PE C0A 1T0  
[crystal.birt@icloud.com](mailto:crystal.birt@icloud.com)  
Appellant

Eugene Lloyd  
Manager (Acting), Development Control  
Department of Housing, Land and Communities  
31 Gordon Drive  
Charlottetown, PE C1A 6B8  
[emlloyd@gov.pe.ca](mailto:emlloyd@gov.pe.ca)  
cc: Richard Collier, Counsel for Minister  
[racollier@gov.pe.ca](mailto:racollier@gov.pe.ca)

Samantha Jardine  
[sammy\\_mcinnis@hotmail.com](mailto:sammy_mcinnis@hotmail.com)  
Developer

**RE: Appeal #LA24001 – Crystal Birt v. Minister of Agriculture and Land**

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The Prince Edward Island Regulatory and Appeals Commission (the Commission) received a Notice of Appeal on Friday, January 12, 2024, from Crystal Birt, appealing two decisions of the Minister of Agriculture and Land. The two decisions appealed are the decision to grant a subdivision approval in File Number 56871 and the decision to approve a development permit in File Number M-2023-0244. Both approvals relate to PID# 148205, located at 1607 Mount Stewart Road, Rte 22, PEI. A copy of the Notice of Appeal and accompanying material is attached.

**Information for the Appellant:**

On a review of your Notice of Appeal, it appears there may be a question about whether your appeal was filed within the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8.

Your Notice of Appeal was received January 12, 2024. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

The Government of Prince Edward Island's PEI Planning Decisions website suggests that the decisions appealed were made on December 21, 2023. The approval decision with respect to the development permit appears to have been posted on December 21, 2023, while the approval decision with respect to the subdivision appears to have been posted on December 27, 2023.

The matter of whether the Notice of Appeal was filed within the prescribed timeline goes to the jurisdiction of the Commission, and as a statutory tribunal, the Commission does not have the jurisdiction to extend the time for filing an appeal under the *Planning Act*.

Therefore, as a preliminary matter on this appeal, the Commission requires your submissions with respect to the limitation period and whether this Notice of Appeal was filed within the prescribed statutory timeline. These submissions, along with any documents or information used to support your position, are required on or before **February 7, 2024**. All parties involved will receive copies of these submissions.

#### **Information for the Respondent:**

Please note that, at this time, we are not requesting a copy of the Minister's complete record with respect to this matter. However, we request that you provide to all parties a copy of the application(s) submitted by the Developer as well as the permit(s) and/or decision letter(s) issued to the Developer on or before January 22, 2024.

Further, the Minister is requested to provide submissions in response regarding the preliminary matter on or before **February 28, 2024**. Please also provide any documents or information to support your position. All parties involved will receive copies of these submissions.

Finally, we ask that you please preserve all file information regarding this matter in the event a complete record is requested in the future.

#### **Information for the Developer:**

You may provide submissions in response regarding the preliminary matter on or before **February 28, 2024**. Along with your written submission, you may also submit documents or information to support your position. All parties involved will receive copies of these submissions.

Any construction or expenses incurred in respect of this matter after this date will be at the peril of the developer/owner.

**IMPORTANT NOTE: Any questions or concerns can be directed to Michelle Walsh-Doucette by telephone at 902-892-3501 or email at [mwalshdoucette@irac.pe.ca](mailto:mwalshdoucette@irac.pe.ca).**

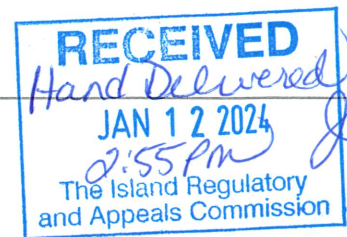


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Michelle Walsh-Doucette  
Commission Clerk

Email: [mwalshdoucette@irac.pe.ca](mailto:mwalshdoucette@irac.pe.ca)

Encl: Notice of Appeal, received January 12, 2024



## 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](http://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 \_\_\_\_\_ Province of PEI (name of City, Town or Community) on the 21 day of December, 2023, wherein the Minister/Community Council made a decision to approve a development permit in File Number M-2023-0244 and grant subdivision approval in File Number 56871, both approvals relating to property number 148205 located at 1607 Mount Stewart Road, Rte 22, PEI (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)  
The Province of PEI failed to follow proper process, as set out in the Planning Act, the Roads Act and the law in general including the duty of procedural fairness; and the Province of PEI failed to issue a decision which accords with sound planning principles in the field of land use planning, including ensuring provisions regarding subdivision approval and access to collector highways were followed.

**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)  
The Commission quash the approval of the Development Permit in File M-2023-0244 and the Subdivision Approval in File Number 56871.

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

Name(s) of Appellant(s): Crystal Birt Signature(s) of Appellant(s): Crystal Birt  
Please Print

Mailing Address: 1607 Mt Stewart Rd City/Town: Mt Stewart  
Province: PE Postal Code: C0A 1T0

Email Address: crystal.birt@icloud.com Telephone: 902-330-4443

Dated this 12 day of Jan, 2024.  
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](mailto:info@irac.pe.ca).

# PEI Planning Decisions

This feature contains land use planning decisions for the communities and municipalities under provincial planning authority and municipalities with local land use planning responsibility. Search for the status of a decision and other details about subdivision, development permits or recently approved municipal bylaw amendments, including rezonings.

To search the full directory, select All under Application Type and leave remaining fields blank.

The following municipalities are not covered by this site:

- City of Charlottetown
- City of Summerside
- Town of Cornwall
- Town of Stratford
- Town of Three Rivers

For municipal contact information search the Municipal Directory

This feature contains records dating back to December of 2022. For older records, please reach out to your municipality using the municipal directory above or by contacting Provincial Planning at 902-368-5590.

Community	PISQUID EAST
Application Type	Development Permits
Address	1607 MOUNT STEWART RD - RTE 22
File Number	M-2023-0244
Nature of Decision	Approved
PID	148205
Consolidation PIDs	
Decision Date	2023-12-21
Posted Date	2023-12-21
Last Appeal Date	2024-01-12
Application Details	Residential, Residential (Mini Home)
Approving Authority	Province of PEI



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Community	PISQUID EAST
Application Type	Subdivision
Address	1607 MOUNT STEWART RD - RTE 22
File Number	56871
Nature of Decision	Approved
PID	148205
Consolidation PIDs	
Decision Date	2023-12-21
Posted Date	2023-12-27
Last Appeal Date	2024-01-12
Application Details	Residential Single
Approved Number of Lots	1
Approving Authority	Province of PEI

