

RECEIVED

JUN 04 2024

The Island Regulatory
and Appeals Commission

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 Miltonvale Park (name of City, Town or Community) on the 15 day of May, 2024, wherein the Minister/Community Council made a decision to Amend the Official Plan, Zoning Bylaw, Future Land Use Map, and approval to rezone PID 283325 and part of 658799 from A1 & C1 to Light Industrial (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)

- 1) Rural Municipality of Miltonvale Park violated its common law duty of procedural fairness and natural justice;
- 2) Rural Municipality of Miltonvale Park failed to make its decision on sound planning principles;
- 3) Such further or other grounds that may be revealed upon review of the full records as produced by the Minister.

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)

That the Commission allow this appeal and quash the decisions of Rural Municipality of Miltonvale Park

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

Name(s) of Appellant(s): GEZINUS VOS Signature(s) of Appellant(s): [Signature]
Please Print

Mailing Address: 16974, RTE City/Town: MILTON STATION

Province: PE Postal Code: C1E0V7

Email Address: contact@carvogroup.com Telephone: 902-916-4011

Dated this 4 day of JUNE, 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.
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EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): David + Eva Mol Signature(s) of Appellant(s): David + Eva Mol
 Please Print

Mailing Address: 16918 Rte 2 City/Town: Milton Station

Province: PEI Postal Code: C1E 0V7

Email Address: davidmol@live.com Telephone: 902-628-7272

Dated this 4 **day of** June, 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.

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

Name(s) of Appellant(s): DEAN MacQUADRETT Signature(s) of Appellant(s): Dean MacQuadrett
 Please Print

Mailing Address: Box 263

City/Town: WINSLOE

Province: P.E.I.

Postal Code: C1E 1Z2

Email Address: _____

Telephone: 569-2608

Dated this 4 **day of** June, 2024.
 day month year

IMPORTANT

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 For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

Community	MILTON STATION
Application Type	Text Amendment to Bylaw
Address	Rural Municipality of Miltonvale Park
File Number	2024-14-A02
Nature of Decision	Approved
PID	283325
Consolidation PIDs	
Decision Date	2024-05-15
Posted Date	2024-05-16
Last Appeal Date	2024-06-06
Application Details	
Approving Authority	Rural Municipality Miltonvale Park
Community	MILTON STATION
Application Type	Others
Address	Rural Municipality of Miltonvale Park
File Number	OPA-2024-01
Nature of Decision	Approved
PID	0
Consolidation PIDs	
Decision Date	2024-05-15
Posted Date	2024-05-16
Last Appeal Date	2024-06-06
Application Details	
Approving Authority	Rural Municipality Miltonvale Park

Community	MILTON STATION
Application Type	Others
Address	Rural Municipality of Miltonvale Park
File Number	OPA-2024-02
Nature of Decision	Approved
PID	0
Consolidation PIDs	
Decision Date	2024-05-15
Posted Date	2024-05-16
Last Appeal Date	2024-06-06
Application Details	
Approving Authority	Rural Municipality Miltonvale Park
Community	MILTON STATION
Application Type	Text Amendment to Bylaw
Address	Rural Municipality of Miltonvale Park
File Number	2024-14-A01
Nature of Decision	Approved
PID	0
Consolidation PIDs	Housekeeping amendments
Decision Date	2024-05-15
Posted Date	2024-05-16
Last Appeal Date	2024-06-06
Application Details	
Approving Authority	Rural Municipality Miltonvale Park

RECEIVED

JUN 04 2024

The Island Regulatory
and Appeals Commission

June 4, 2024

Subject: Appeal of Rural Municipality of Miltonvale Park Official Plan Amendment Application, Zoning By-law Amendment Application, Future Land Use Amendment, and Application to Rezone PID 283325 and part of 658799 from A1 & C1 to Light Industrial (located at 16960 All Weather Highway, Route 2, Charlottetown)

Dear Members of the Island Regulatory and Appeals Commission,

We are writing to formally appeal the Rural Municipality of Miltonvale Park Council's recent decision regarding changes to its Official Plan, Zoning Bylaw, Future Land Use Map, and the rezoning of property identification numbers 283325 and 658799, located at 16960 All Weather Hwy, Charlottetown. We believe the Council's decision was made in error due to several administrative and procedural errors/oversights, which we outline below.

1. Rural Municipality of Miltonvale Park Council, Planning Board, and Chief Administrative Officer have breached the procedural fairness duty. Evidence will establish multiple acts of bias, conflicts of interest, intimidation, failure to provide information, unreasonable timelines for input, and undue interference throughout the public consultation and decision-making process. Such a process should be consultative, mutually respectful, and carried out in a fair manner for all parties. It is not simply a checklist to be submitted for Ministerial approval.
2. The Rural Municipality of Miltonvale Park Official Plan (Effective April 7, 2022) reflects the community's interests **as a whole**. Soliciting community engagement through a fragmented and unclear process to amend the Future Land Use Map (Effective 2022), the Zoning Map (Effective 2022), and the Zoning and Subdivision Bylaw (Effective 2022) appears to be an undue process, particularly considering a comprehensive process was carried out just one year prior. Furthermore, PID 283325 and 658799 were not contemplated and designated as an M1 Light Industrial Zone during the 2022 Official Plan review process, and the amendments do not meet the objectives set out in the Charlottetown Special Planning Area (SPA). The Council also erred by not reading and weighing industrial "uses" with its entirety in mind. Rather, they applied a narrow analysis to rezone it as a parking space for the autobody shop. Further evidence will demonstrate that rezoning the area to M1 Light Industrial only meets the interests of the Developer and does not align or bring value to the community as a whole.
3. Historical records will clearly show the Developer (also a member of the Rural Municipality of Miltonvale Park Council) non-conformance, the Council's lack of enforcement of existing bylaws, and a legally binding development agreement. Non-compliance should not be used to justify rezoning (e.g., "*bringing him into compliance*").
4. Municipal council must provide thorough, cogent, and thoughtful reasons when evaluating planning applications. Failing to discuss, debate, and deliberate on the Municipal Planner's reports and contents compromises the integrity and legitimacy of a Council's decision. In making its decision, the Council has failed to apply due diligence and sound planning principles, failed to consider relevant factors, and considered irrelevant factors. Evidence will show that decision-making was subjective, with preferential consideration toward the Developer.

In light of the foregoing, we respectfully request that this Commission finds that it has jurisdiction to hear the appeal.

Respectfully,

Appellants: Gezinus Vos
David and Eva Mol
Dean and Anne MacQuarrie

The April minutes are now available online at <https://miltonvalepark.com/council-information-and-minutes-2024/>

Council's planning decisions are also posted online: <https://miltonvalepark.com/permits-issued/> which links to the province's Planning Decisions website. <https://www.princeedwardisland.ca/en/feature/pei-planning-decisions#/service/PlanningDecisionsOnline/PlanningDecisionsOnlineSearch>

Shari

--

Shari MacDonald (she/her)
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com