



January 14, 2025

**VIA EMAIL**

T. Daniel Tweel  
Tweel Law  
208 Queen Street  
Charlottetown, PE  
C1A 4B6  
Counsel for the Appellant

[office@tweellaw.ca](mailto:office@tweellaw.ca)

Brenda MacDonald, CAO  
Resort Municipality  
7591 Cawnpore Lane  
Cavendish, PE  
C0A 1N0  
Respondent

[resortmunicipal@eastlink.ca](mailto:resortmunicipal@eastlink.ca)

**RE: Appeal #LA25001 – Montgomery Cavendish Cottages Inc. v. Resort Municipality**

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The Prince Edward Island Regulatory and Appeals Commission (the Commission) received a Notice of Appeal on Friday, January 10, 2025, on behalf of Montgomery Cavendish Cottages Inc., appealing two decisions of the Resort Municipality. The two decisions appealed are:

- i. the decision to deny a subdivision permit application to subdivide into two lots PID# 563908, located at Sunset Lane, Cavendish, PEI; and,
- ii. the decision to deny a subdivision permit application to subdivide into three lots PID# 232868, located at Sunset Lane, Cavendish, 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 within the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8.

Your Notice of Appeal was received January 10, 2025. 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 approval decisions with respect to the subdivision applications are dated December 17, 2024.

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, 2025**. All parties involved will receive copies of these submissions.

**Information for the Respondent:**

The Resort Municipality is requested to provide submissions in response regarding the preliminary matter on or before **February 28, 2025**. Please also provide any documents or information to support your position. All parties involved will receive copies of these submissions.

Please note that, at this time, we are not requesting a copy of the Resort Municipality's complete record with respect to this matter. However, we ask that you please preserve all file information regarding this matter in the event a complete record is requested in the future.

**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 10, 2025