

(Pursuant to Section 28 of the *Planning Act*)

NOTE:
Appeal process is a public process.

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 (Continued)

(Pursuant to Section 28 of the *Planning Act*)

Name of Appellant: Valley Grove Enterprises Ltd.

Appellant's Lawyers: Geoff Gibson

Heritage Law

5 Prince Street

Charlottetown, PE C1A 4P4

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(continued from previous page) **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 Minister of Housing, Land and Communities (the "**Minister**"), in his decision to deny the Appellant's change of use request:

1. failed to identify the application as a change of use application rather than an application for the subdivision of land;
2. in light of the above error, incorrectly applied s 63(4) and (4.11) of the *Subdivision and Development Regulations* to the application;
3. In the alternative, if the cited provisions of the *Subdivision and Development Regulations* do in fact apply, failed to consider the application in accordance with objectives, intents and purposes of the legislative scheme and in accordance with sound planning principles; and
4. any further grounds as may become apparent and as the Island Regulatory and Appeals Commission may permit.

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

- a) The Commission should allow the appeal, quash the October 2, 2025 decision of the Minister to deny the change of use of PID 82040, and order that the application for the change of use from resource-agricultural to non-resource industrial be granted as requested; and
- b) Such further and other relief as the Appellant may advise and as the Island Regulatory and Appeals Commission may permit.

October 23, 2025

Date



Geoff Gibson and Erin Mewburn
Lawyers for the Appellant,
Valley Grove Enterprises Ltd.



Housing, Land
and Communities

Logement, Terres
et Communautés



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October 02, 2025

Valley Grove Enterprises Ltd.
1154 Blue Shank Road
Wilmot Valley, PE
C0B 1M0

Dear Applicants:

Subject:	Application to establish an Industrial (Recycling Facility) Use
Property ID :	82040
Property Location:	Blue Shank Road, Wilmot Valley, Prince County
Our File References:	Case # 2025-042

The Department of Housing, Land and Communities has reviewed your application to change the use of PID 82040 from Resource Agriculture (Storage/Warehouse) Use to Industrial (Recycling Facility) Use on Property 82040, application paid for on September 02, 2025, located in Wilmot Valley.

A. The Application

Subdivision/Change of Use: The Subject Property was approved as Lot 24-1 via Sub.Plan 25541B for Resource Agriculture (Storage/Warehouse) Use on July 29th, 2025. The application was submitted to change the use of this parcel to Industrial (Recycling Facility) Use. Property # 82040 is located within the Summerside Special Planning Area.

B. Decision

The Subject Property is within a geographic area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to subsections 63.(4) & 63.(4.1) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

The *Planning Act* Subdivision and Development Regulations provide provisions for the subdivision/change of use of a parcel of land within the Summerside Special Planning Area as per Section 63. Within the Summerside Special Planning Area, a parcel of land is eligible for subdivision / change of use for only the land uses listed in Section 63.(4). Non-Resource commercial or industrial use is not listed in the approved land uses and therefore, unable to approve the establishment of these uses within this Special Planning Area. Section 63.(4.1) indicates that a non-resource commercial or industrial lot may be subdivided if it is to be appended or consolidated with land that was previously approved for non-resource related commercial or industrial use prior to July 9, 1994. PID # 82040 was approved as Lot 24-1 via Sub.Plan 25541B for Resource Agriculture (Storage/Warehouse) Use on July 29th, 2025. Based on this

information, Section 63.(4.1) would not apply to the subject parcel and would therefore deem it ineligible for non-resource commercial or industrial. It is important to note that our department has deemed the proposed recycling facility as non-resource related.

Please refer to the *Planning Act* Subdivision and Development Regulations sections 63.(4.0)) & 63.(4.1).

63.(4) An existing parcel of land may, on approval, be subdivided into not more than one lot for one of the following purposes:

Approval of one lot per parcel

- (a) recreational use;
- (b) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
- (c) institutional use, where the lot has an area no greater than three acres;
- (d) use as a cemetery;
- (e) rural tourism use, where the area of the lot does not exceed three acres;
- (f) public utility use.

63.(4.1) A parcel may be subdivided for a non-resource related commercial or industrial use where

- (a) the subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to October 12, 2019;
- (b) in the opinion of the Minister, that use has not been discontinued or abandoned; and
- (c) the proposed expansion does not violate the intent and purpose of these regulations, with particular regard for sections 3 and 13..

D. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regard to this decision, contact me at (902) 432-2559 or smacfarlane@gov.pe.ca.

Sincerely,



Shawn MacFarlane
Senior Development Officer