

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 _____ (name of City, Town or Community) on the 14th day of July, 2026, wherein the Minister/Community Council made a decision to deny the application for an occupancy permit made by John & M Kucera for the 2025 Elevation Park Model 3-102 CA at 34 Gould Street, Desable, PEI PID 445460.

(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)
Please 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)
Please see Schedule "A"

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

Name(s) of Appellant(s): John & Mary Kucera Signature(s) of Appellant(s): [Signature]
Please Print

Mailing Address: 97 Queen Street, Suite 600 City/Town: Charlottetown

Province: Prince Edward Island Postal Code: C1A 4A9

Email Address: mmckenna@coxandpalmer.com Telephone: 902-629-3929

Dated this 30 day of July, 2026
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.

SCHEDULE A - NOTICE OF APPEAL (continued)
Pursuant to section 28 of the Planning Act

TAKE NOTICE that John and Mary Kucera hereby appeal the decision of the Minister of Land and Environment (the “Minister”) on the 14th day of July, 2026 denying the seasonal Occupancy Permit application for the 2025 Elevation Park Model 3-102 CA at 34 Gould Street, Desable, PE PID 445460 (the “Property”) (the “Permit”)

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the grounds for this appeal are as follows:

- The Appellants are an “aggrieved person” as defined by section 27.1(a) of the *Planning Act* as they are the Applicants;
- The Minister acted arbitrarily, failing to follow the proper process or procedure as required in the *Planning Act*, the *Subdivision and Development Regulations* (the “*Regulations*”), and the law in general, including the principles of natural justice and procedural fairness, in denying the Permit;
- The Minister improperly considered the Permit materials submitted, and approved by the Minister, on July 17, 2025, which materials expressly identified the intended use of the Property as a seasonal vacation home;
- The Minister’s decision with respect to the Permit was not reasonable, and does not have merit based on sound planning principles within the field of land use planning;
- The Minister’s refusal has caused undue distress and anxiety for the Appellants, as they completed this project under the guidance of the Minister’s approved permit requirements; and
- Such further or other grounds as may be revealed upon review of the full record as produced by the Minister.

AND FURTHER TAKE NOTICE that in accordance with section 28(5) of the *Planning Act*, the Appellants seeks the following relief:

- the Appellant requests that the Commission allow this appeal, set aside the decision of the Minister and approve the seasonal occupancy permit submitted by the Appellants for the 2025 Elevation Park Model 3-102 CA at 34 Gould Street, Desable, PE PID 445460 for seasonal use from Victoria Day until Thanksgiving.

DATED this 30th day of July, 2026.

July 30, 2026

VIA EMAIL

The Island Regulatory & Appeals Commission
National Bank Tower, Suite 501
134 Kent Street, Charlottetown, PE C1A 7L1

Attention: Michelle Walsh-Doucette

Dear Ms. Walsh-Doucette:

RE: Appeal – John and Mary Kucera

Please find enclosed for filing our Notice of Appeal in relation to the denial of the application for an occupancy permit made by John and Mary Kucera regarding 34 Gould Street, Disable, Prince Edward Island (PID #445460).

We are also enclosing the following documents:

1. Schedule A to Notice of Appeal
2. Email exchange with Trevor Eisnor, Building Official
3. Occupancy Permit (BP-2025-0632)

We look forward to hearing from you in relation to this appeal.

Yours very truly,



Melanie McKenna

MM/th

Enclosures

cc. Minister of Land and Environment

Melanie McKenna | Lawyer

Direct (902) 629-3929 **Main** (902) 628-1033 **Fax** (902) 566-2639 **Email** mmckenna@coxandpalmer.com

Dominion Building, 97 Queen St, Suite 600, Charlottetown, PE C1A 4A9



OCCUPANCY PERMIT

BP-2025-0632

Date of Issue:

31 Gordon Drive PO Box 2000 Charlottetown PE C1A 7N8
<https://www.princeedwardisland.ca/en/information/agriculture-and-land/building-and-development-pe>

Tel: (902) 368-5590; Fax: (902) 368-5526

Applicant(s): John Kucera

Contractors: ()

Subject Property: PID# 445460 34 Gould St, DESABLE

Property Owner(s): John Kucera 3902 Arie Court , Camlachie, Ontario N0N 1E0

SPECIAL CONDITIONS:

#1

The issuance of this permit does not imply compliance with all municipal bylaws or provincial acts.

ADDITIONAL CONDITIONS:

1- This Occupancy Permit applies to Pad only and not to building as it does not meet Building Code Requirements and was manufactured as a seasonal Park Model trailer.

2- Deck requires a separate Building Permit and would also require a Development Permit. Apply for Building Permit and provide suitable drawings of construction.

STANDARD CONDITIONS:

Authorized By

From: MacLeod
To: [Terry McKenna](#); Melanie
Subject: FW: Occupy Approval for Building Permit #BP-2025-0632
Date: Wednesday, July 22, 2026 3:59:22 PM

Karen M. MacLeod*
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*Providing Services Through a Law Corporation

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From: John Kucera <johnkucera39@gmail.com>
Sent: July 22, 2026 3:57 PM
To: MacLeod, Karen (Montague) <kmacleod@coxandpalmer.com>
Subject: Fwd: Occupy Approval for Building Permit #BP-2025-0632

WARNING - This Message originated outside your organization. Please be cautious when opening attachments or clicking on links.

This is an e-mail trail requesting clarification regarding the Appeal Process and the Provinces response. Sent from my iPhone Begin forwarded message: From: John Kucera <johnkucera39@gmail.com>
Date: July 20, 2026 at 2:10:20PM ADT To: buildingpermits@apps.gov.pe.ca, Trevor <teisnor@gov.pe>

CGBANNERINDICATOR

This is an e-mail trail requesting clarification regarding the Appeal Process and the Provinces response.

Sent from my iPhone

Begin forwarded message:
From: John Kucera <johnkucera39@gmail.com>
Date: July 20, 2026 at 2:10:20PM ADT
To: buildingpermits@apps.gov.pe.ca, Trevor <teisnor@gov.pe.ca>
Cc: jdmacdonald@gov.pe.ca
Subject: Re: Occupy Approval for Building Permit #BP-2025-0632
We are not clear if the attached email document is final decision and if we

are in the Appeals submission window. Please verify. Also not clear about the process and if we are entitled to an appeals process document summarizing next steps. A number of days ago we requested a phone or in person meeting to discuss next steps. We were instructed to send an email which we to date have not received any response to.

Thank you

John Kucera
Sent from my iPhone

On Jul 14, 2026, at 11:56?AM, PEI Government - Building Permits <buildingpermits@apps.gov.pe.ca> wrote:

Dear Sir/Madam,
Please find attached your Occupy Approval Permit for Building Permit #BP-2025-0632 for 34 Gould St on property #445460.

1- This Occupancy Permit applies to Pad only and not to building as it does not meet Building Code Requirements and was manufactured as a seasonal Park Model trailer.

2- Deck requires a separate Building Permit and would also require a Development Permit. Apply for Building Permit and provide suitable drawings of construction.

If you have any questions, please contact me at or teisnor@gov.pe.ca.
Trevor Eisnor
Building Official
teisnor@gov.pe.ca