

# 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 19 day of JUNE, 2023, wherein the Minister/Community Council made a decision to DENY APPLICATION TO DEVELOP LAND AT 19398 ROUTE 2 GREENVILLE PE COASTAL. PROPERTY ID 400919 CASE 56579 (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 NO EXPLANATION GIVEN FOR DENIAL OTHER THAN 'CANNOT HAVE LEGAL ACCESS'
- ② SEVERAL PROPERTIES WITHIN 1 KM HAVE SHARED ACCESS ONTO ROUTE 2
- ③ NO ONE FROM EITHER DEPT OF AGRICULTURE OR TRANSPORTATION CONTACTED US TO DISCUSS. WE CAN CREATE SEPERATE ACCESS TO PROPERTY IF REQUIRED IF DEPARTMENTS CAN GIVE GUIDANCE

**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)

- ① EITHER ALLOW APPLICATION AS SUBMITTED
- OR
- ② INSTRUCT DEPARTMENT OF TRANSPORTATION TO DISCUSS/GUIDE APPLICANT TO ALLOW CONFORMITY WITH CURRENT REGULATION

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

Name(s) of Appellant(s): MARTIN DUTTON Signature(s) of Appellant(s): [Signature]  
Please Print

Mailing Address: 19398 ROUTE 2 City/Town: GREENVILLE

Province: PE Postal Code: COA 1N0

Email Address: dartinmutton2@hotmail.com Telephone: 902 213 3577

Dated this 10 day of JULY, 2023.  
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.



Agriculture  
and Land

Agriculture  
et Terres



Land Division

31 Gordon Drive  
PO Box 2000, Charlottetown  
Prince Edward Island  
Canada C1A 7N8

Division de terres

31, promenade Gordon  
C.P. 2000, Charlottetown  
Île-du-Prince-Édouard  
Canada C1A 7N8

June 19, 2023

Martin Dutton  
19398 RTE 2  
Greenvale, PE C0A 1N0

Dear Mr. Dutton:

**Subject:** Application to subdivide 1 lot for Residential (single-unit dwelling) use  
**Property ID #:** 400919  
**Property Location:** RTE 2, Greenvale, Queens County  
**Our File References:** Case # 56579

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The Department of Agriculture and Land has reviewed your application to subdivide one lot for Residential (single-unit dwelling) use from Property #400929, application received on July 22nd, 2022 located in Greenvale.

#### A. The Application

**Subdivision:** The Subject Property currently has a Residential (single-unit) dwelling on it. The application was submitted to subdivide an additional Residential (single-unit dwelling) lot from the parcel with access off RTE 2.

#### B. Decision

The Subject Property is within a geographic area where land use and development is 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 clause 6(c) of the *Planning Act* and subsections 3.(1)(a), 5.(d) and 25.(2) 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

Page 1 of 2

The *Planning Act* Subdivision and Development Regulations provide provisions for the subdivision of land under Section 12 of the *Planning Act* Subdivision and Development Regulations. As well, Section 25 of those Regulations provide provisions for the access requirements for new, proposed lots. Property # 400929 is an 3-acre Residential lot. To allow new lots to be subdivided there must be access granted by the Department of Transportation, Infrastructure. It has been determined from the Department of Transportation, Infrastructure that this parcel cannot have legal access to the proposed lots from RTE 2. Therefore, we have no choice but to deny the application at this time. You may contact that Department to discuss and obtain more details at 902-368-5006. Please refer to the *Planning Act* Subdivision and Development Regulations sections 3.(1)(a), 5.(d) and 25.(2).

### ***Planning Act* Subdivision and Development Regulations**

3.(1) No person shall be permitted to subdivide land where the proposed subdivision would

(a) not conform to these regulations or any other regulations made pursuant to the Act;

5. No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate:

(d) where, pursuant to the *Roads Act*, an entrance way permit or approval is required, the required permit or approval has been obtained;

25.(2) No person shall subdivide a parcel of land that abuts, and requires access to, an arterial highway unless an entrance way permit, where required, has been issued by the Minister responsible for the *Roads Act* Highway Access Regulations.

### **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 regards to this decision, contact me at (902) 569-0573 or [smacvarish@gov.pe.ca](mailto:smacvarish@gov.pe.ca).

Sincerely,



Sarah MacVarish  
Property Development Officer