

May 2, 2025

Via Electronic Mail (mwalshdoucette@irac.pe.ca)

Michelle Walsh-Doucette
Island Regulatory and Appeals Commission
National Bank Tower
134 Kent Street, 5th Floor
Charlottetown, PE C1A 8R8

Dear Ms. Walsh-Doucette:

**Re: Planning Appeal LA25-001
Montgomery Cavendish Cottages Inc. v. Resort Municipality**

We write on behalf of the Resort Municipality. We respectfully reiterate our request that this appeal be dismissed because the appellant missed the appeal deadline.

The appellant concedes that the notice of appeal was filed more than 21 days after the date of the decision being appealed. The appellant nevertheless argues that the expiry of this statutory appeal period is irrelevant because Montgomery Stuart Drummond did not receive sufficient personal notice of the decisions identified in the notice of appeal. The Resort Municipality does not concede any factual or legal merit in the appellant's assertions or arguments. But thankfully the Commission need not determine whether Montgomery Stuart Drummond received sufficient personal notice of the decisions identified in the notice of appeal. This is because the *Planning Act* requires the Municipality to give general notice of planning decisions. Here, the Municipality complied with this requirement: notices were posted on the provincial planning website and in the municipal office. These publications gave sufficient notice to Montgomery Stuart Drummond and to Montgomery Cavendish Cottages Inc. and to any other potential appellant. On this basis alone, the appeal ought to be dismissed.

Two other points merit additional emphasis.

First, in addition to fulfilling its obligations under the *Planning Act*, the Resort Municipality mailed the notices of its decisions directly to the address provided on the applications that were submitted to the Resort Municipality. We raised this point in our correspondence of 17 March 2025. The appellant has not provided any response.

Second, and although actual notice is not required under the *Planning Act*, we note that the appellant has still not revealed on what date it received actual notice of the decisions identified in the notice of appeal. We raised this point in our correspondence of 17 March 2025. The appellant has not provided any response.

In our respectful view, the Commission should dismiss this appeal at this preliminary stage because the notice of appeal was filed out of time. A timely dismissal will help avoid unnecessary costs to the parties.

4142-3741-8844

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Yours truly,

Stewart McKelvey

A handwritten signature in blue ink that reads "C Doyle". The signature is fluid and cursive, with the first name "C" being a large, stylized capital letter.

Curtis Doyle

c. Philip Rafuse (pjrufuse@irac.pe.ca)
Jessica Gillis (jgillis@irac.pe.ca)
T. Daniel Tweel (office@tweellaw.ca)