



Agriculture
and Land

Agriculture
et Terres



Land Division

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December 13, 2022

Betty Ann Bryanton
1129 Apolydor Ave
Ottawa, ON K1H 8B1

Dear Ms. Bryanton:

Subject: Application for 3 accessory structures to a Residential cottage (A2, A3 and A4 on the attached sketch)

Property ID #: 931741

Property Location: Little Pond

Our File References: M-2022-0160, M-2022-0161 & M-2022-0162

A. The Application

The Minister of Agriculture and Land has reviewed your application for three accessory structures (A2, A3 & A4 on the attached sketch) on Lot 12, Sub. Plan # 15756 located in Little Pond PEI. Lot 12 was approved for summer cottage use only on February 3, 1999.

B. Decision

The Minister of Agriculture and Land is denying the applications for the three accessory structures (A2, A3 & A4 on the attached sketch) in Little Pond PEI as per the *Planning Act*, sections 2.1.(1)(h) & (l) and the *Planning Act* Subdivision and Development Regulations subsection 3.(2)(a), (d) & (e) and section 34.

C. Reasons

The provincial interests, 2.1.(1) of the *Planning Act*, include 2 key sections relevant to this:

- h) The effect of the proposed planning development on, and measures for the protection of public health and safety
- l) The orderly and sustainable development of safe and healthy communities
 - The two additional sheds (A2 & A3) are being used as apparent shelters/bunkees, with no toilets or running water. This would not meet typical health standards. It is also clear that they are not of a legal use that is incidental to the single dwelling unit.

- The very nature of the sheds (A2 & A3) being used as shelters/bunkees, and not for storage, indicates that only one shed is actually needed for storage.
- An average residential yard will have one garage and/or one shed.
- The placement of the structures (A2 & A3) on the property is not orderly for the use (as storage). Sheds generally are placed immediately beside or behind a dwelling unit.
- The use of illegal shelters/bunkees (A2 & A3) is unsafe and unhealthy.
- With the toilet being moved inside the dwelling unit, the current structure (A4) used for the former composting toilet should be removed. There is no rationale for this structure to remain.

Due to the risk to public health and safety of the apparent shelters/bunkees (A2 & A3), the placement of these structures is in violation of subsection 3.(2)(a), (d) and (e) of the *Planning Act* Subdivision and Development Regulations. As well, as these types of shelters/bunkees are not clearly defined in the *Planning Act* Subdivision and Development Regulations and could be construed as shelters for human occupancy, they are in violation of section 34 of the *Planning Act* Subdivision and Development Regulations as the use of the shelters/bunkees would not conform with the approved use of the lot for summer cottage use - 1.(v.2) "summer cottage" means a single-unit dwelling that is intended to be occupied primarily during the summer months.

Planning Act

2.1.(1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as

(h) the effect of proposed planning development on, and measures for the protection of, public health and safety;

(l) the orderly and sustainable development of safe and healthy communities;

Planning Act Subdivision and Development Regulations

3.(2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would

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

(d) have a detrimental impact; or

(e) result in a fire hazard to the occupants or to neighbouring buildings or structures.

1.(f.3) "detrimental impact" means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to

(i) real property value;

(ii) competition with existing businesses;

(iii) viewscapes; or

(iv) development approved pursuant to subsection 9(1) of the Environmental Protection Act;

34.No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan. (EC693/00)

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.illac.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) 368-4465 or emlloyd@gov.pe.ca.

Sincerely,



Eugene Lloyd
Manager (Acting) of Provincial Planning

Bryanton - Cottage

158 Paradise Dr, Little Pond, PEI

Legend: 1 square = 5 feet

