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Notice of Appeal (Pursuant to Section 28 of the Planning Act)

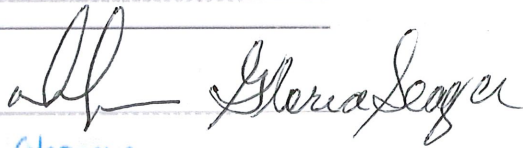
TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.iraac.pe.ca

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 28 day of June, 2021, wherein the Minister/Community Council made a decision to deny Gloria Seager's change of use application dated January 4, 2021 to increase the number of dwelling units within the building. (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)
See Appendix '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)
See Appendix 'B'

Name(s) of Appellants GLORIA SEAGER
DOUGLAS SEAGER
Please Print
Signature(s) of Appellant(s) 
Mailing Address 77 Highland View Drive City/Town New Glasgow
Province PE Postal Code COA 1N0
Email Address old-cap@hotmail.com Telephone 519-827-4230

Dated this 16 day of July, 2021
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. In addition, the Commission requires the Appellant to provide the Notice of Appeal to any parties directly affected by the Notice of Appeal on the same date the municipal council or Minister is notified.
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@iraac.pe.ca

Schedule 'B'

The Appellants seek the following relief:

1. An order reversing the decision of Danny Cusack dated June 28, 2021; and
2. Such further and other relief as is deemed just and expedient.

Schedule 'A'

The grounds for appeal are as follows:

1. The Senior Development Officer wrongly interpreted and applied the *Planning Act*, RSPEI 1988, c. P-9 (hereinafter referred to as the "Act") and Subdivision and Development Regulations (hereinafter referred to as the "Regulations").

The application was denied on the basis that the proposed change of use is a 'commercial rental accommodation' which, it is not. The proposed change of use does not meet the definition of "commercial" as stipulated in the Regulations and cited in the decision dated June 28, 2021.

As the proposed change of use consists of dwelling units intended for residential occupancy, the application dated January 4, 2021 should have been granted as it meets and is within all applicable regulations.

2. Any further such grounds which may become apparent upon review of the record.