



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued:

May 3, 2024

Docket:

LA22012

Type:

Planning Act Appeal

INDEXED AS: *Willemina and Floyd Squires v. Minister of Housing, Land and Communities*
2024 PEIRAC 5 (CanLII)

Order No: LA24-05

BETWEEN:

Willemina and Floyd Squires

Appellants

AND:

Minister of Housing, Land and Communities

Respondent

AND:

Anthony McQuillan

Developer

ORDER TO EXTEND ABEYANCE

Panel Members:

J. Scott MacKenzie, K.C., Chair
M. Douglas Clow, Vice-Chair

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

1. BACKGROUND

1. This is an appeal of a decision of the Minister of Housing, Land and Communities¹ to issue a Development Permit to Anthony McQuillan. The permit allowed Mr. McQuillan to construct a non-commercial storage building on his property at 903 Village Green Road in the Community of Lake Verde. The Appellants live next door to this property.
2. The Notice of Appeal lists the single ground of appeal as: “boundary line is in dispute”. The Appellants allege that the building does not meet the required setbacks outlined in the *Planning Act Subdivision and Development Regulations*.² The Notice of Appeal requests that the location of the building be confirmed by a licensed surveyor prior to construction. In follow-up submissions the Appellants say they are appealing the decision to grant a development permit where the applicant has given insufficient or erroneous information to support the application.
3. The Commission does not have jurisdiction to determine boundary line disputes. Therefore, on July 5, 2023, the Commission issued Order LA23-07, ordering that this appeal be held in abeyance while the Appellant seeks to settle the location of the boundary line. Order LA23-07 ordered:
 - a) This appeal be held in abeyance for nine months;
 - b) The Appellants are to provide the Commission with a status update as to their efforts to resolve the boundary line dispute by March 31, 2024;
 - c) At that time, the Commission will consider whether a further abeyance is warranted.
4. On April 1, 2024, the Appellants requested a short extension to provide a substantive update to the Commission.
5. On April 18, 2024, the Appellants requested a further extension of sixty (60) days to permit them to proceed with a judicial determination of the boundary line.

2. ORDER TO HOLD MATTER IN ABEYANCE

6. The Commission orders:
 - a) The abeyance be extended for six months;
 - b) The Appellants are to provide the Commission with a status update as to their efforts to resolve the boundary line dispute by November 1, 2024;

¹ Formerly the Minister of Agriculture and Land.

² *Planning Act Subdivision and Development Regulations*, EC693/00.

- c) At that time, the Commission will consider whether a further abeyance is warranted.

DATED at Charlottetown, Prince Edward Island, Friday, May 3, 2024.

BY THE COMMISSION:

(sgd. J. Scott MacKenzie)

J. Scott MacKenzie, K.C., Chair

(sgd. M. Douglas Clow)

M. Douglas Clow, Vice-Chair

NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13(1) and 13(2) of the *Act* provide as follows:

13(1) An appeal lies from a decision or order of the Commission to the Court of Appeal upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.

NOTE: In accordance with IRAC's *Records Retention and Disposition Schedule*, the material contained in the official file regarding this matter will be retained by the Commission for a period of 2 years.