



Date Issued: December 20, 2024
Docket: LA23002
Type: Planning Act Appeal

INDEXED AS: Betty Ann Bryanton v. Minister of Agriculture and Land
2024 PEIRAC 8 (CanLII)

Order No: LA24-08

BETWEEN:

Betty Ann Bryanton

Appellants

AND:

Minister of Agriculture and Land

Respondent

REASONS FOR DECISION

Panel Members:

Kerri Carpenter, Commissioner
M. Douglas Clow, Acting Chair

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

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1. INTRODUCTION

1. This appeal relates to a decision of the Minister of Agriculture and Land, dated December 13, 2022, to deny the Appellant's applications to permit three accessory structures on the Appellant's property, located at 158 Paradise Drive, Little Pond, Prince Edward Island.

2. BACKGROUND

2. On June 15, 2022, the Appellant applied to the Minister of Agriculture and Land (the "Minister") seeking development permits for three "accessory buildings for storage". Those permit applications were numbered M-2022-0160, M-0161, and M-2022-0162.
3. Two of the accessory structures applied for have been on the subject property since 2015 and were the subject of a previous appeal to the Commission.¹ The third accessory structure has been on the property since 2018.
4. On December 13, 2022, the Minister denied the Appellant's permit applications.
5. On January 3, 2024, the Appellant appealed the Minister's denial, raising grounds that the decision was not supported by the *Planning Act* and its *Subdivision and Development Regulations*, was arbitrary and biased, and was not based on factual evidence.
6. The Commission scheduled this appeal for a public hearing, set to begin on November 5, 2024 (the "Scheduled Hearing").
7. The morning of November 5, 2024, the parties discussed the matters at issue between them and the Scheduled Hearing did not open. The parties agreed they would, instead, provide written submissions to the Commission.
8. The Minister provided written submissions to the Commission on November 6, 2024. The Appellant responded via email that same day, indicating her agreement with the submissions of the Minister.

3. ANALYSIS

9. Pursuant to Rule 41 of the Commission's Rules of Practice and Procedure, the Commission will determine this matter without an oral hearing.
10. On November 6, 2024, the Minister provided written submissions to the Commission advising that the Minister was no longer opposing the Appellant's Appeal. The Minister stated that they were prepared to grant the Appellant three Development Permits for Accessory Buildings (Private Storage), as were applied for by the Appellant in her applications, M-2022-0160, M-0161, and M-2022-0162, dated June 15, 2022.
11. The Minister further submitted that the Development Permits would be subject to the following conditions:

¹ [Order LA17-06 Donna Stringer v Minister of Communities, Land and Environment \(August 10, 2017\)](#).

- 1) Structure being erected in accordance with the approved application sketch.
 - 2) The on-site sewage disposal system and well shall not be covered, altered or disturbed by this proposal.
 - 3) A minimum buffer zone of 15 meters adjacent to the watercourse/wetland. A minimum building setback of 75 feet is also required adjacent to the watercourse/wetland. For information on activities that may occur within the 15 meter buffer, or a delineation as to the extent of the wetland system, please contact 902-368-5049.
12. The Appellant responded to the Minister's submissions of November 6, 2024, indicating her agreement with the submissions.
13. On the basis of the foregoing, the Commission allows the appeal.

4. DISPOSITION

14. The Commission allows the appeal.
15. For greater clarity, the Commission makes no findings with respect to the merits of the appeal, beyond what is stated in this Order.

5. ORDER

- 16. The appeal is allowed. The Minister shall grant the Appellant's permits subject to the following conditions:**
- 1) Structure being erected in accordance with the approved application sketch.**
 - 2) The on-site sewage disposal system and well shall not be covered, altered or disturbed by this proposal.**
 - 3) A minimum buffer zone of 15 meters adjacent to the watercourse/wetland. A minimum building setback of 75 feet is also required adjacent to the watercourse/wetland. For information on activities that may occur within the 15 meter buffer, or a delineation as to the extent of the wetland system, please contact 902-368-5049.**

DATED at Charlottetown, Prince Edward Island, **December 20, 2024**

BY THE COMMISSION:

(sgd. Kerri Carpenter)

Kerri Carpenter, Commissioner

(sgd. M. Douglas Clow)

M. Douglas Clow, Acting 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.