PRINCE EDWARD ISLAND
Regulatory & Appeals Commission
Commission de réglementation et d'appels
ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: **March 10, 2026**
Docket: **LA25026**
Type: **Planning Appeal**

INDEXED AS: Donovan v. Minister of Housing, Land and Communities
2026 PEIRAC 13 (CanLII)

Order No: LA26-04

BETWEEN:

Emma Donovan

Appellant

AND:

Minister of Housing, Land and Communities

Respondent

ORDER

Panel Members:

Gordon MacFarlane, Commissioner
Murray MacPherson, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk
Island Regulatory and Appeals Commission

ORDER:

1. On December 23, 2025, Lisa Donovan hand delivered to the Commission a Notice of Appeal signed by Emma Donovan, dated December 22, 2025. The Notice of Appeal was in respect of a decision of the Minister of Housing, Land and Communities to deny a change of use application (the "Decision"). The Notice of Appeal included two decision letters in respect of the Decision, one dated October 8, 2025, and the other dated October 30, 2025.

2. On a review of the Notice of Appeal by Commission staff, it appeared to have been filed outside the statutory timeline prescribed by the *Planning Act,* RSPEI 1988, P-8. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed. In a recent decision of the Commission, Order LA25-08 *Montgomery Cavendish Cottages Inc. v. Resort Municipality*, the Commission found that posting public notice of a decision in accordance with subsection 23.1 of the *Planning Act* began the 21-day limitation period.

3. Therefore, as a preliminary matter, the Commission requested the Respondent provide proof of public posting in accordance with section 23.1 of the *Planning Act*. Counsel for the Respondent provided such proof via email dated January 15, 2026, stating in part that:

    i. The Decision was initially made October 8, 2025, but then was re-issued to the applicant on October 30, 2025;

    ii. The Decision was posted publicly on the PEI Planning Decisions website on October 8, 2025; and

    iii. Notice of the Decision was made publicly available at the Government of PEI, Land Division office at 31 Gordon Drive, Charlottetown, PEI, as of October 8, 2025.

4. The Commission notes that it appears the PEI Planning Decisions website was updated, at least in part, when the decision letter was reissued to the applicant on October 30, 2025.

5. In light of the above, the Commission accepts that the Respondent provided notice of the decision in accordance with section 23.1 of the *Planning Act*.

6. The matter of whether the Notice of Appeal was filed within the timeline goes to the jurisdiction of the Commission and whether the Commission can accept this Notice of Appeal for filing. The Commission has previously held that it is without jurisdiction to hear appeals filed beyond the statutory appeal period and does not have authority to extend the time limit for appeals prescribed in the *Planning Act*.

7. Notably, the Notice of Appeal was filed with the Commission nearly 8 weeks after the letter in respect of the Decision was re-issued to the applicant.

8. For these reasons, the Commission declines to accept the Notice of Appeal for filing on the basis that it was filed outside the statutory timeline prescribed in the *Planning Act*.

IT IS ORDERED THAT

1. The Commission declines to accept for filing the Notice of Appeal.

DATED at Charlottetown, Prince Edward Island, March 10, 2026.

BY THE COMMISSION:

[Sgd. Gordon MacFarlane]
Gordon MacFarlane, Commissioner

[Sgd. Murray MacPherson]
Murray MacPherson, Commissioner

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.