

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to s.28 of the *Planning Act*, RSPEI 1988 c. P-8 by Timothy Bank with respect to the approval of an application for development and building permit at PID 943241 located at Lot #30 in St. Peters Estates, Greenwich, PE

**RECORD OF DECISION PREPARED BY
THE MINISTER OF HOUSING, LAND and COMMUNITIES**

Meaghan Hughes
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Solicitor for the Minister of
Housing, Land and Communities**

Environmental Coalition of PEI
81 Prince Street
Charlottetown, PE C1A 4R3

Appellant

Tim Banks
c/o APM
17 Union Road
Brackley, PE C1E 3B2

Developer

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1.	Development Permit dated July 24, 2023
2.	Notice of Appeal dated August 11, 2023
3.	Building and Development Permit Application (PID 943241) dated July 18, 2023
4.	Pre-Development and Subdivision Inspection Report dated July 19, 2023
5.	Other: (a) Deed from St. Peter's Estates to Timothy R. Banks (b) Deed from 6753914 Canada Inc. to her Majesty the Queen (c) Subdivision Approval for St. Peter's Estates (d) Survey Plan St. Peter's Estates

TAB

1

Housing, Land and Communities



24-Jul-2023

COPY

Charlottetown

Development Permit

Issued under the authority of

"The Subdivision and Development Regulations"

Permit No. C-2023-0273

Permission is hereby granted to Timothy R Banks ("Developer"), to construct a Single Unit Summer Cottage/Seasonal Dwelling on Provincial Parcel Number 943241 located at Ocean Court in the community of Greenwich, in accordance with the plans and information submitted in the Building and Development Permit Application dated July 18, 2023 ("Application"), and subject to compliance with the conditions below as well as all applicable legislation governing and affecting this development including the *Planning Act* and the Planning Act Subdivision and Development Regulations.

This permit does not in any way guarantee or ensure the title of the holder in the property described herein nor does it affect the holder's liabilities, rights or privileges of ownership to such property.

This Permit expires twenty-four (24) months from the date of issue.

This permit has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, agriculture, commercial, industrial, forestry, tourism, fishing, aquaculture or institutional uses which may influence the use of the site for which the permit has been issued.

Issuance of this development permit does not imply any warranty against damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this development permit or which may occur to this development as a result of damages related to weather and/or climate change.

This Permit is not valid until signed by Developer and Development Officer. The Permit is granted subject to the following conditions:

- 1) Any dwelling on the lot cannot be occupied until the structure has been connected to a central water system that has been designed, constructed and approved in accordance with the conditions of subdivision approval and the requirements of the Department of Environment, Energy and Climate Action including complete compliance with the Certificate of Approval dated April 18, 2005; also in accordance with the Environmental Protection Plan Action, Environmental Management Plan and Human Use Management Plan that have all been approved by Department of Environment, Energy and Climate Action.
- 2) The Developer covenants and agrees that any installation of any septic system will be carried out by a Licensed Septic Contractor, licensed by the Province of PEI. The septic system will be designed based on a site assessment completed by a Site Assessor licensed by the Province of PEI. All compliance documents will be forwarded to the Government including an updated septic compliance document.
- 3) The lot shall be developed and occupied in accordance with an Environmental Protection Plan, Environmental Management Plan and Human Use Management Plan that has been approved by Department of Environment, Energy and Climate Action;
- 4) The development will meet all requirements of the Provincial Fire Marshal's Office (attached).
- 5) The structure being erected in accordance with the Architectural Standards for the Greenwich Special Planning Area and the site plans included in the Application.
- 6) All plumbing will be low flow water conserving plumbing fixtures. Any plumbing will be carried out by a certified Plumber to meet the standards of the plumbing code. All compliance documents will be forwarded to Government including an updated septic compliance document.
- 7) The Developer shall be responsible for addressing and remedying any increased storm water run-off that is created as a result of the development of the Lands.
- 8) The Development will use the existing driveway access onto the private street "Ocean Court". There shall be no direct access onto Wild Rose Road. The responsibility for ensuring access to the lot in the resort development is a matter for determination between the owner of the road connecting the resort development to a public road, and the Developer.
- 9) The Lands and the area are environmentally sensitive, the Developer shall comply with any construction restrictions, intended to protect the environment, as imposed by Department of Environment, Energy and Climate Action.

- 10) 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.

Note: Additional approvals and/or permits may be required prior to the start of construction. This may include the requirement for a Building Permit and adherence to the National Building Code. For further information, please contact a Building Official at 902-368-5280.

DEVELOPER: I hereby acknowledge and agree that I have fully read the conditions of this permit. I have had an opportunity to ask questions of Provincial staff and consult with my legal counsel, civil engineers and contractors of my choice, before signing, to ensure I understand the conditions of this Development Permit.

Developer

Per. _____

Timothy R. Banks

Approved By _____

Dean Lewis

Senior Development Officer

TAB

2

RECEIVED

via email

AUG 11 2023

Jm

The Island Regulatory
and Appeals Commission

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.irac.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 Greenwich (name of City, Town or Community) on the 24 day of July, 2023, wherein the Minister/Community Council made a decision to approve a development permit (file C-2023-0273) for PID 943241 for residential (single unit dwelling) development in Ocean Court, Greenwich, PEI. (Please note, we were not able to obtain a copy of the decision, but included a copy of the details of the decision). (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)
 Please see attached "Grounds for Appeal" document for further detail.

In summary, we are questioning if the conditions the subdivision have been met (operational water system to warrant development of a lot, if conditions of the 'Resort Development Use' survey have been met, and are questioning why this development permit has been approved after 18+ years of other development permit requests in the subdivision have been denied (including an active appeal).

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)
 That the development permit for PID 943241 (file C-2023-0273) be quashed, with the recent approval overturned/reversed.

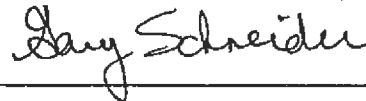
Please see attached: "Grounds for Appeal - Additional Information", "Greenwich_Survey_30328", "Final Submission of the Minister Feb - 2023", and the details of the approval decision to support our request.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of
Appellant(s): Environmental Coalition of PEI

Please Print

Signature(s) of
Appellant(s):



Mailing Address: 81 Prince Street

City/Town: Charlottetown

Province: Prince Edward Island

Postal Code: C1A 4R3

Email Address: macphailwoods@gmail.com

Telephone: 902-393-3652

Dated this 11 day of August, 2023
 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.

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@irac.pe.ca.

Grounds for Appeal – Additional Information

Please note that the Environmental Coalition of PEI is submitting an appeal of the development permit approved for PID 943241 (file C-2023-0273), which is part of the *St. Peters Estates Ltd.* subdivision, for the following reasons:

1. Over the last 18+ years, since the approval of survey plan # 21343 for St. Peters Estates Ltd. (see attached), no development permit applications have been approved for any of the 70 lots. Recently, a permit for the same property (PID 943241) was denied by the province and is still current through IRAC's planning appeals. In the absence of any evidence of a change in legislation or other relevant factors or circumstance, there appears to be no justification for the Minister to change his position.
2. On December 22, 2022, a permit application for the current property (PID 943241) was denied by the Minister. In light of the history of such applications in the subdivision, the absence of any evidence of a change in legislation, or other relevant factors or circumstance regarding this particular lot, there appear to be no grounds for the Minister to change his position and grant a development permit for the specific lot.
3. According to IRAC's website, the December 2022 ministerial decision to deny the development permit for PID 943231 is currently an active appeal by the owner of the property (Appeal Docket LA22024). No development permit should be approved unless and until the appeal is completed and a decision is made in favor of the applicant landowner. Why was a permit issued by the Minister when the appeal remains active?
4. The survey for the subdivision plan #21343 was approved subject to the servicing of all lots (including PID 943241) from a central water system to be designed and constructed in accordance with the requirements of the Department of Environment, Energy and Forestry (Survey plan #21343, condition 'a'). According to the Minister of Agriculture and Land in a submission to IRAC (Appeal Docket LA22024) supporting the Minister's denial of a development permit, as of February 14, 2023 this condition had still not been fully met (see "Final Submission of the Minister Feb -2023" document), nor to the best of our knowledge, has it yet been met. Consequently, no permit should be issued.
5. Furthermore, according to the Survey plan #21343, condition 'e', the development of the resort, (including PID 943241), is subject to the following condition "the resort shall be developed and occupied in accordance with an Environmental Protection Plan, Environmental Management Plan, and Human Use Management Plan as approved by the Department of Environment, Energy and Forestry". To the best of our knowledge, two of the three plans have not been approved, and none have been updated to reflect current standards and practices. This requirement is of particular importance considering the location of the subdivision.
6. According to the "Planning Act Subdivision and Development Regulations", under "D-Resort Developments" section 52 (1), "a resort development may be serviced by a private road, where the road (b) is connected to a public road maintained by the province on a year-round basis." It is our understanding that the development of St. Peters Estates Ltd. (including PID 934241), would be subject to the condition noted above, as it was approved (#21343) for "Resort Development use" and meets the definition of resort development. However, it is our understanding that this condition is not met as this subdivision is currently serviced by a seasonal road that is not maintained by the Province of PEI but by Parks Canada.

7. Similarly, according to the same "Planning Act Subdivision and Development Regulations", section 52 (4), "the roads serving any portion of a resort development that is approved for year-round residential use", which PID 943241 was approved for, "shall be public roads, including any roads required to provide access from the subdivision to an existing public road maintained by the province on a year-round basis". It is our understanding that the development of these year-round residential lots (including PID 943241) would be subject to the condition noted above, yet it is also our understanding that this condition is not met. No development permit should be issued unless there is compliance with these conditions.

The Environmental Coalition of Prince Edward Island (ECOPEI) was established in 1989 as a community-based action group to support the protection of the PEI environment. As a registered charity, the organization works to provide educational opportunities to islanders and advocate for the protection and maintenance of the Island's natural ecosystems.

TAB

3

PAID

JUL 18 2023

Dev: \$250.00

Amount
Receipt #

\$1235.00
4221

Build \$1,485.00 Total

✓

1. Application Type

Building & Development Permit ☒

Development Permit Only ☐

Building Permit Only ☐

Personal information on this form is collected under section 31 (c) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, c. F-15.01 as it relates directly to and is necessary for the review of your application. If you have any questions about this collection of personal information, you may contact (902) 368-5280 for more information.



2. Property Information

Property Tax Number: 943241

Community: Greenwich

Civic Address Number: TBD

Street Name: Ocean Court

Property Depth: see plans

Property Width: see plans

Property Acreage: 1.2 Acres

Lot Number
(if applicable) Lot#2

3. Applicant Information and Mailing Address

Name: Timothy R Banks
First Middle Initial Last

Company Name:

Street Address or PO Box: PO Box 2859 Station Central

Community: Charlottetown

Province: PEI

Postal Code:

Email: tbanks@apm.ca

Phone: (902) 628-7313

4. Property Owner Information if Different From Above

Name: _____
First Middle Initial Last

Company Name: _____

Street Address or PO Box: _____

Community: _____

Province: _____

Postal Code: _____

Email: _____

Phone: _____

C-2023-0273

5. Existing Land Use

a. How is the property currently used? Please check all that apply.

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Single-unit residential | <input type="checkbox"/> Commercial | |
| <input type="checkbox"/> Multi-unit residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Forestry |
| <input type="checkbox"/> Rental accommodations | <input type="checkbox"/> Institutional | <input type="checkbox"/> Other |

Was told by
minister to leave
blank because it
has been cleared
multiple times.

b. Describe the current land use in detail. If the property is used for a livestock operation, include the type of livestock, the number of animals, and whether there is a manure storage facility.

Vacant Cleared Land

c. Are there existing buildings on the property? ☐ Yes ☒ No

d. If there are existing buildings on the property, please describe the use of each building in detail.

e. What is the physical nature of the land? Please check all that apply.

- | | | |
|--|---|---|
| <input type="checkbox"/> Wooded or treed | <input type="checkbox"/> Pasture | <input type="checkbox"/> Along the coast |
| <input type="checkbox"/> Low or swampy | <input type="checkbox"/> Hilly | <input type="checkbox"/> Near a waterbody |
| <input type="checkbox"/> Cultivated | <input checked="" type="checkbox"/> Level or flat | <input type="checkbox"/> Other |

f. Describe the physical nature in detail.

Level Cleared Lot

g. Are any of the following located within one kilometre of the proposed development?

- | | | |
|--|--|--|
| <input type="checkbox"/> Livestock operation | <input type="checkbox"/> Waste disposal site | <input checked="" type="checkbox"/> Residential lots |
| <input type="checkbox"/> Quarry or pit | <input type="checkbox"/> Airport | <input type="checkbox"/> Shellfish processing |
| <input type="checkbox"/> Sewage treatment facility | <input type="checkbox"/> Cemetery | <input type="checkbox"/> Active wharf |

6. Proposal Information

a. What type of development or activity are you proposing? Please check all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> New, detached structure | <input type="checkbox"/> Changing the use of an existing structure |
| <input type="checkbox"/> Addition to existing structure | <input type="checkbox"/> Renovation of an existing structure |
| <input type="checkbox"/> Relocation of existing structure | <input type="checkbox"/> Demolition of an existing structure |

b. What will the proposed development be used for? Please check all that apply.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Single-unit residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Multi-unit residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Aquaculture/Fisheries |
| <input type="checkbox"/> Rental accommodations | <input type="checkbox"/> Institutional | <input type="checkbox"/> Forestry |

c. If you are proposing a residential use, please indicate the number of bedrooms and dwelling units you intend to have in the structure. A dwelling unit is one or more rooms intended to be used as a single housekeeping unit and generally include their own cooking and toilet facilities.

Number of Bedrooms: 3

Number of Dwelling Units: _____

d. Is the proposed structure the main structure on the property?

☒

Yes

☐

No

e. Describe how the proposed structure will be used in detail.

Single Family Home

f. What are the dimensions of the structure that you are proposing?

Maximum Width (ft): see plans

First Floor Area (ft²): 1,100 sf

Maximum Depth (ft): see plans

Total Floor Area (ft²): 1,100 sf

Number of Stories: see plans

g. Provide the minimum distance from your proposed structure to the following.

Front Yard Property Line (ft): see plans

Rear Yard Property Line (ft): _____

Left Side Property Line (ft): _____

Right Side Property Line (ft): _____

Shoreline or Top of Bank (ft): _____

Wetland or watercourse (ft): _____

Dunes (ft): _____

Water Well (ft): _____

Septic Tank (ft): _____

Septic Field Tile (ft): _____

h. What is the estimated dollar value of constructing, plumbing, wiring and finishing your proposed project (excluding costs for land, septic system and landscaping)? \$ 500,000

7. Access and Servicing Information

- a. Will the proposal require the creation of a new driveway or the relocation of an existing driveway? ☒ Yes ☐ No
- b. Was a soil assessment (perc test) completed on the property? ☐ Yes ☒ No
- c. Is there an existing septic system on the property? ☐ Yes ☐ No
- d. How will the proposed structure receive sewer services?
- | | |
|--|--|
| <input checked="" type="checkbox"/> New on-site system | <input type="checkbox"/> Municipal Central Waste Treatment |
| <input type="checkbox"/> Existing on-site system | <input type="checkbox"/> Private Central Waste Treatment |

8. Technical Information

- a. What type of heating system are you proposing? Please check all that apply.

Oil: ☐ Baseboards ☐ Forced Air ☐ In-Floor

Electric: ☐ Baseboard ☒ Heat Pump ☐ In-Floor

Other:
Please
Describe

- b. What type of basement are you proposing for the structure?

☐ Full Basement ☐ No Basement

☒ Slab on Grade ☐ Crawlspace

- c. What type of foundation are you proposing for the structure?

☐ Standard Concrete ☒ Insulated Concrete Form (ICF) ☐ Wood Posts

Other:
Please De-
scribe

- d. What type of electrical service are you proposing for the structure?

☐ 100 Amp ☒ 200 Amp

Other:
Please De-
scribe

- e. What siding material are you proposing for the structure?

Wood

- f. What roofing material are you proposing for the structure?

Metal

9. Contracting Information

Please provide the name, email address and phone number for the various individuals that will be involved in your proposed development:

	Name	Email Address	Phone Number
Surveyor:	Not Applicable		
Site Assessor:	Not Applicable		
Septic Contractor:	To Be Determined		
Lawyer:	Not Applicable		
Engineer:	Not Applicable		
Architect/Designer:	Not Applicable		
General Contractor:	APM MacLean	tbanks@apm.ca	(902) 628-7313
Heating Contractor:	To Be Determined		
Electrician:	To Be Determined		
Plumber:	To Be Determined		

10. Declaration

I, Timothy R Banks hereby certify that I am

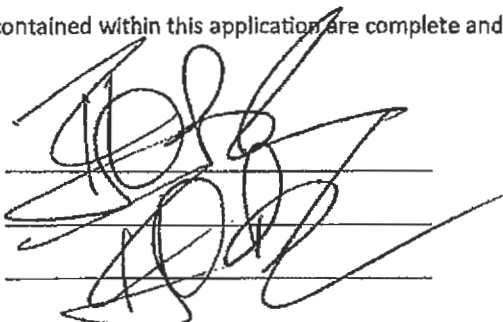
☒ the registered owner of the land
proposed for development

OR

☐ authorized to act on behalf of the registered owner of the
land proposed for development

and hereby affirm that all statements contained within this application are complete and true, and I make this declaration conscientiously believing it to be true.

Registered Owner(s) Signature
(MANDATORY):



Date July 18, 2023

Date

Applicant Signature:

Date July 18, 2023

Please Note: In order for applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies. Staff may also carry out a site inspection.

Building & Development Permit Application Sketch

Pursuant to the Planning Act

Note: This sketch is required as part of the Building & Development Permit Application. The information below must be checked, where applicable, and shown to scale in the sketch provided.

- | | |
|---|--|
| <input type="checkbox"/> Show property boundaries and dimensions | <input type="checkbox"/> Show roads |
| <input type="checkbox"/> All structures including exterior dimensions | <input type="checkbox"/> Setback from side and rear yard property lines |
| <input type="checkbox"/> Distance of structures from centre of roads | <input type="checkbox"/> Distance from watercourse, top of bank, and sand dune |
| <input type="checkbox"/> Location of driveway from the centre to the nearest property boundary | <input type="checkbox"/> Natural slope of the land |
| <input type="checkbox"/> Location of well, septic tank, and field tile and show distances from structures | <input type="checkbox"/> Separation distance between well and septic system |

SKETCH



SEE ATTACHED DWGS.


Property Owner's Signature or Applicant

July 18, 23

Date

PROPERTY INFORMATION



CREATED ON 2023-07-18 3:11 PM

PARCEL NUMBER

943241

SCALE

1:801

ACREAGE

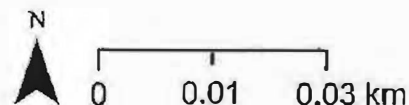
1.2

OWNER

TIMOTHY BANKS

ADDRESS

GREENWICH



DISCLAIMER: Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

**GOVERNMENT OF PRINCE EDWARD ISLAND
DEPARTMENT OF FINANCE
TAXATION AND PROPERTY RECORDS DIVISION**

95 Rochford Street
1st Floor Shaw Building - South
Charlottetown, PE C1A 7N8

Office: (902) 368-4070
Fax: (902) 368-6164
taxandland@gov.pe.ca



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Identified Parcel Search Results

PLEASE NOTE:

The Land Information System database is based on information filed as part of applications made under the Lands Protection Act. The Commission does not warrant the accuracy of the information. Without limiting the generality of the foregoing, certain information may have changed after processing the applications including, in some cases, the assignment of new parcel numbers to identified land. The new parcel numbers are not necessarily contained in the database. The database does not include parcels that were identified prior to 1979.

Email questions to: loginquiries@rac.pe.ca.

Please enter parcel number (you must enter 6 or 7 digits):

943241

No match found!

TAB

4



PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(updated May 22-13)

This form is to be used for ALL development and subdivision files. If an existing file does not have a similar report included in the file, one must be created for it.

Section 1 – General Information

APPLICANT: J Banks

LOCATION: Greenwich

SUBDIVISION CASE # _____

BUILDING PERMIT # C-2023-0273

PROPERTY # 943241

DATE OF INSPECTION: _____

Section 2 – Property Information

- a) Is the property identified? Attach confirmation. ☒ No ☐ Yes
- b) Is the property in a Special Planning Area? ☐ No ☒ Yes _____
- c) Is the property in a municipality with its own official plans and bylaws? ☒ No ☐ Yes _____
- d) The property has a: ☐ stream ☒ wetland ☐ watercourse ☐ pond
☐ primary sand dune ☐ secondary sand dune ☐ Other: _____
- e) Are there any existing structures on the property? ☒ No ☐ Yes (sketch)
- f) Existing land use _____ Proposed land use _____
- g) Has the coastal erosion rate been checked? ☒ NA ☐ No ☐ Yes _____ (attach)

Section 3 – Soil Categorization

- a) What is the soil categorization? cat 1
- b) Previously Assessed? _____, Case # _____, Assumed Permeable Soil _____
- Assessor _____, Registered Document _____
- Notes: Approved cat

Section 4 – Highway Information

- a) Name of highway _____ Route No. _____
- b) Highway classification ☐ Arterial ☐ Arterial 2 ☐ Seasonal ☐ Collector
☐ C1 ☐ C2 ☐ C3 ☐ Non-Essential
☐ Heritage ☒ Private ROW ☐ Subdivision Road
☐ Other _____
- c) How many lanes? ☐ one ☐ two ☐ more than 2
- d) Is an Entrance way permit required? ☐ No ☐ Yes
- e) Highway access (culvert) ☐ new culvert required ☐ use existing entrance
☐ re-locate existing entrance
- f) Does the proposed entrance way meet the sight distance requirements? ☐ No ☐ Yes ☐ NA _____
- g) Special Conditions: _____

- h) TIR comments (if applicable): _____

over →

Section 5 – Building Information (*building permits only*)

- | | | |
|--|--|---|
| a) Will the proposal meet the minimum building setbacks? | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes |
| b) Will a variance be required? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| c) Has the Verification Template been checked? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |

Section 6 – Sketch

This area can be used to show features of the property (e.g. slope direction, surface drainage, structures, lot layouts, special features, etc.)

Notes:

Previous Applications in 2022 see additional
information
M - 2022 - 0227
M - 2022 - 0227

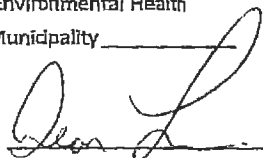
Section 7 – Subdivision Information (*subdivisions only*)

- | | | |
|---|-----------------------------|------------------------------|
| a) Does the Duty to Consult Policy Apply? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| b) Has this property been previously subdivided? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| c) Is a survey required? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| d) Immediately prior to final approval, has the identification status been confirmed (attach confirmation)? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |

Section 8 – Status and Sign Off

Copies of the application have been sent to the following for comment:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Environmental Health | <input type="checkbox"/> TIR (transportation) | <input type="checkbox"/> Quality Tourism | <input checked="" type="checkbox"/> Fire Marshall |
| <input type="checkbox"/> Municipality | <input type="checkbox"/> | <input type="checkbox"/> | |



Officer

July 19/2023

Date

TAB

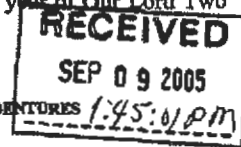
5

TAB A

1977

THIS INDENTURE made this 29 day of July in the year of Our Lord Two
Thousand and Five.

IN PURSUANCE OF THE ENACTMENTS RESPECTING THE SHORT FORMS OF INDENTURES



BETWEEN: ST. PETER'S ESTATES LTD., a body corporate, duly incorporated
under the laws of the Province of Prince Edward Island;

(hereinafter called the "Grantor")

OF THE ONE PART

AND TIMOTHY R. BANKS, of Charlottetown, in Queens County, Province
of Prince Edward Island;

(hereinafter called the "Grantee")

OF THE OTHER PART

WITNESSETH that in consideration of Five Dollars (\$5.00) of lawful money
of Canada now paid by the Grantee to the Grantor (the receipt whereof is hereby
acknowledged) the said Grantor **DOTH** grant unto the Grantee, his heirs and assigns forever all
and singular the lands situate, lying and being on Lot or Township Number 40, in Kings
County, Province of Prince Edward Island, and being more particularly bounded and described
in Schedule "A" annexed hereto.

TOGETHER WITH all the rights, privileges, easements, advantages and
appurtenances to the said lands belonging or appertaining or thereunto now or heretofore
holden, used, occupied, or enjoyed: **TO HAVE** and **TO HOLD** the said lands and premises
with their appurtenances unto and to the use of the Grantee, his heirs and assigns forever.

(1) **THE SAID GRANTOR COVENANTS** with the said Grantee (2) that it has
the right to convey the said lands to the said Grantee notwithstanding any act of the said
Grantor (3) **AND** that the said Grantee shall have quiet possession of the said lands (4) free
from all encumbrances (5) **AND** the said Grantor covenants with the said Grantee that it will
execute such further assurances of the said lands as may be requisite. (6) **AND** the said Grantor
covenants with the said Grantee that it has done no act to encumber the said lands. (7) **AND**
the said Grantor releases to the said Grantee all its claims upon the said lands.

IN WITNESS WHEREOF said Grantor has hereunto set its hand and corporate seal on the day and year first above written.

SIGNED SEALED & ATTESTED
by the proper signing officers of St. Peter's
Estates Ltd. in the presence of:

Witness

ST. PETER'S ESTATES LTD.

Per:

Per:

THE Grantee hereby covenants and agrees to be bound by the covenants contained in Schedule "B" annexed hereto, which covenants shall run with the land described in Schedule "A" annexed hereto.

WITNESS

TIMOTHY R. BANKS

SCHEDULE "A"

ALL THAT certain lot, piece or parcel of land, situate, lying and being in Greenwich, Lot 40, Kings County, Province of Prince Edward Island, being more particularly delineated on a Plan of Survey prepared by Locus Surveys Ltd. entitled "Plan of Survey, Showing Lots 1 to 70, being a subdivision of lands of St. Peters Estates Ltd.", said Plan being dated December 7, 2004 and being Drawing No. 04050, approved by the Department of Community and Cultural Affairs on December 8, 2004, as Case No. 21343, said lands being more particularly bounded and described as follows, that is to say:

COMMENCING at a point situate on the eastern margin of a Sixty-Six (66) foot wide right-of-way, known as Beach Access Road, said point being marked by placed Survey Marker No. 621 having coordinates Easting 579399.67 feet and Northing 409838.57 feet;

THENCE on an azimuth 109° 20' 48" a distance of Two Hundred Ninety-One point Three Three (291.33) feet to placed Survey Marker No. 801 having coordinates Easting 579674.55 feet and Northing 409742.06 feet;

THENCE in a counter clockwise direction along an arc of a curve having a radius One Hundred and Thirty-Two point Zero Zero (132.00) feet for an arc distance of Seventy-Four point Zero Four (74.04) feet to Calculated Point No. 715, having coordinates Easting 579670.30 feet and Northing 409669.11 feet;

THENCE on an azimuth 167° 15' 41" a distance of Seventy-Eight point Two Seven (78.27) feet to placed Survey Marker No. 824 having coordinates Easting 579687.56 feet and Northing 409592.77 feet;

THENCE on an azimuth 254° 26' 32" a distance of Two Hundred Eleven point Four One (211.41) feet to placed Survey Marker No. 823 having coordinates Easting 579483.89 feet and Northing 409536.07 feet;

THENCE on an azimuth 344° 26' 32" a distance of Three Hundred Fourteen point Zero One (314.01) feet to placed Survey Marker No. 621, said point being the point at the place of commencement.

BEING AND INTENDED TO BE Lot 2 on the aforesaid Plan of Survey containing an area of One point Two (1.2) acres of land, a little more or less.

All grid azimuths and coordinates are referenced to the Prince Edward Island Stereographic Projection, prior to July 1, 1979.

All dimensions are given in feet, unless noted.

TOGETHER with a right-of-way unto the Grantee, its successors and assigns, in common with the Grantor, its successors and assigns, for persons, animals and vehicles; for the purpose of ingress and egress over all the rights-of-way within the development as well as year round access to Beach Access Road and the beach itself, as shown on the aforementioned Survey Plan.

TOGETHER with rights in common with other members of the Homeowner's Association, over all open space, green space or common areas belonging to the Homeowner's Association in accordance with the rules established thereunder.

SCHEDULE "A"

ALL THAT certain lot, piece or parcel of land, situate, lying and being in Greenwich, Lot 40, Kings County, Province of Prince Edward Island, being more particularly delineated on a Plan of Survey prepared by Locus Surveys Ltd. entitled "Plan of Survey, Showing Lots 1 to 70, being a subdivision of lands of St. Peters Estates Ltd.", said Plan being dated December 7, 2004 and being Drawing No. 04050, approved by the Department of Community and Cultural Affairs on December 8, 2004, as Case No. 21343, said lands being more particularly bounded and described as follows, that is to say:

COMMENCING at a point situate on the eastern margin of a Sixty-Six (66) foot wide right-of-way, known as Beach Access Road, said point being marked by placed Survey Marker No. 854 having coordinates Easting 579764.87 feet and Northing 408526.84 feet;

THENCE on an azimuth 89° 42' 48" a distance of Two Hundred Twenty-Eight point Three Nine (228.39) feet to placed Survey Marker No. 863 having coordinates Easting 579993.26 feet and Northing 408527.98 feet;

THENCE in a counter clockwise direction along an arc of a curve having a radius One Hundred and Sixty-Six point Zero Zero (166.00) feet for an arc distance of Twenty-Four point Seven Nine (24.79) feet to Calculated Point No. 759, having coordinates Easting 580017.85 feet and Northing 408476.24 feet;

THENCE on an azimuth 154° 58' 47" a distance of One Hundred and Six point Three Nine (106.39) feet to placed Survey Marker No. 862 having coordinates Easting 580048.12 feet and Northing 408408.85 feet;

THENCE on an azimuth 254° 26' 32" a distance of Two Hundred Forty-One point Two Two (241.22) feet to placed Survey Marker No. 855 having coordinates Easting 579815.73 feet and Northing 408344.15 feet;

THENCE on an azimuth 344° 26' 32" a distance of One Hundred Eighty-Nine point Six Three (189.63) feet to placed Survey Marker No. 854, said point being the point at the place of commencement.

BEING AND INTENDED TO BE Lot 28 on the aforesaid Plan of Survey containing an area of Zero point Eight (0.8) acres of land, a little more or less.

All grid azimuths and coordinates are referenced to the Prince Edward Island Stereographic Projection, prior to July 1, 1979.

All dimensions are given in feet, unless noted.

TOGETHER with a right-of-way unto the Grantee, its successors and assigns, in common with the Grantor, its successors and assigns, for persons, animals and vehicles; for the purpose of ingress and egress over all the rights-of-way within the development as well as year round access to Beach Access Road and the beach itself, as shown on the aforementioned Survey Plan.

TOGETHER with rights in common with other members of the Homeowner's Association, over all open space, green space or common areas belonging to the Homeowner's Association in accordance with the rules established thereunder.



SCHEDULE "A"

ALL THAT certain lot, piece or parcel of land, situate, lying and being in Greenwich, Lot 40, Kings County, Province of Prince Edward Island, being more particularly delineated on a Plan of Survey prepared by Locus Surveys Ltd. entitled "Plan of Survey, Showing Lots 1 to 70, being a subdivision of lands of St. Peters Estates Ltd.", said Plan being dated December 7, 2004 and being Drawing No. 04050, approved by the Department of Community and Cultural Affairs on December 8, 2004, as Case No. 21343, said lands being more particularly bounded and described as follows, that is to say:

COMMENCING at a point situate on the eastern margin of a Sixty-Six (66) foot wide right-of-way, known as Beach Access Road, said point being marked by placed Survey Marker No. 855 having coordinates Easting 579815.73 feet and Northing 408344.15 feet;

THENCE on an azimuth 74° 26' 32" a distance of Two Hundred Forty-One point Two Two (241.22) feet to placed Survey Marker No. 862 having coordinates Easting 580048.12 feet and Northing 408408.85 feet;

THENCE in a counter clockwise direction along an arc of a curve having a radius One Thousand One Hundred and Twenty-Three point Zero Zero (1123.00) feet for an arc distance of One Hundred and Forty-One point Three Eight (141.38) feet to placed Survey Marker No. 861 having coordinates Easting 580093.41 feet and Northing 408275.02 feet;

THENCE on an azimuth 254° 26' 32" a distance of Two Hundred and Forty-Eight point Nine Seven (248.97) feet to placed Survey Marker No. 856 having coordinates Easting 579853.57 feet and Northing 408208.25 feet;

THENCE on an azimuth 344° 26' 32" a distance of One Hundred Forty-One point Zero Eight (141.08) feet to placed Survey Marker No. 855, said point being the point at the place of commencement.

BEING AND INTENDED TO BE Lot 29 on the aforesaid Plan of Survey containing an area of Zero point Eight (0.8) acres of land, a little more or less.

All grid azimuths and coordinates are referenced to the Prince Edward Island Stereographic Projection, prior to July 1, 1979.

All dimensions are given in feet, unless noted.

TOGETHER with a right-of-way unto the Grantee, its successors and assigns, in common with the Grantor, its successors and assigns, for persons, animals and vehicles, for the purpose of ingress and egress over all the rights-of-way within the development as well as year round access to Beach Access Road and the beach itself, as shown on the aforementioned Survey Plan.

TOGETHER with rights in common with other members of the Homeowner's Association, over all open space, green space or common areas belonging to the Homeowner's Association in accordance with the rules established thereunder.

(G3)

SCHEDULE "A"

ALL THAT certain lot, piece or parcel of land, situate, lying and being in Greenwich, Lot 40, Kings County, Province of Prince Edward Island, being more particularly delineated on a Plan of Survey prepared by Locus Surveys Ltd. entitled "Plan of Survey, Showing Lots 1 to 70, being a subdivision of lands of St. Peters Estates Ltd.", said Plan being dated December 7, 2004 and being Drawing No. 04050, approved by the Department of Community and Cultural Affairs on December 8, 2004, as Case No. 21343, said lands being more particularly bounded and described as follows, that is to say:

COMMENCING at a point situate on the eastern margin of a Sixty-Six (66) foot wide right-of-way, known as Beach Access Road, said point being marked by placed Survey Marker No. 856 having coordinates Easting 579853.57 feet and Northing 408208.25 feet;

THENCE on an azimuth 74° 26' 32" a distance of Two Hundred Forty-Eight point Nine Seven (248.97) feet to placed Survey Marker No. 861 having coordinates Easting 580093.41 feet and Northing 408275.02 feet;

THENCE in a counter clockwise direction along an arc of a curve having a radius One Thousand One Hundred and Twenty-Three point Zero Zero (1123.00) feet for an arc distance of One Hundred and Forty-One point Five Three (141.53) feet to placed Survey Marker No. 860 having coordinates Easting 580121.57 feet and Northing 408136.42 feet;

THENCE on an azimuth 254° 26' 32" a distance of Two Hundred and Thirty-Eight point Nine One (238.91) feet to placed Survey Marker No. 857 having coordinates Easting 579891.41 feet and Northing 408072.34 feet;

THENCE on an azimuth 344° 26' 32" a distance of One Hundred Forty-One point Zero Eight (141.08) feet to placed Survey Marker No. 856, said point being the point at the place of commencement.

BEING AND INTENDED TO BE Lot 30 on the aforesaid Plan of Survey containing an area of Zero point Eight (0.8) acres of land, a little more or less.

All grid azimuths and coordinates are referenced to the Prince Edward Island Stereographic Projection, prior to July 1, 1979.

All dimensions are given in feet, unless noted.

TOGETHER with a right-of-way unto the Grantee, its successors and assigns, in common with the Grantor, its successors and assigns, for persons, animals and vehicles, for the purpose of ingress and egress over all the rights-of-way within the development as well as year round access to Beach Access Road and the beach itself, as shown on the aforementioned Survey Plan.

TOGETHER with rights in common with other members of the Homeowner's Association, over all open space, green space or common areas belonging to the Homeowner's Association in accordance with the rules established thereunder.



SCHEDULE "B"

PROTECTIVE COVENANTS (RULES AND REGULATIONS)

- (a) (i) There shall be one single family dwelling or summer cottage per lot, having a minimum 1,800 square feet, and not more than 2 ancillary buildings, i.e., garage, or boat house. The design shall meet with Homeowners Association Bylaws and Regulations, and shall comply with Architectural Committee requirements. It is recognized that some lots are better suited to smaller more appropriate structures. Upon written approval from the Developer, exceptions may be made from this clause.
- (ii) No dwelling building or other building, fence (including hedges), wall, gate post, clothesline, surface or storm drainage or other structure shall be commenced, constructed or maintained on the Lands unless the plans, dimensions, specifications and siting plan showing the nature, location (including the distances from the front, side and rear limits), colour, materials and height of same shall have been first submitted to and approved in writing by the Developer who may in its discretion refuse to approve any such plans, dimensions, specifications or siting plan which, in its opinion, are unsuitable or undesirable.
- No dwelling shall stand upon the lands that has an exterior finish not of wood, cement board, brick, stone or steel. The Developer shall notify the Grantee of its decision to either approve or reject the said plans, dimensions, specifications, siting plans, and/or plot plans within fourteen (14) days of being provided all of the said plans, dimensions, and/or plot plans.
- (b) No noxious, dangerous, offensive, or noisy activity shall be permitted on any lot.
- (c) Each property owner shall provide suitable receptacles for the collection of refuse which shall be screened from view and protected from disturbance.
- (d) No trade, business, or commercial activity shall be conducted on any lot. The rental for a single family occupancy shall not be considered a commercial activity.
- (e) No lot shall be further subdivided. However, the Developer, its successors and assigns, reserves the right to subdivide any lot that it owns.
- (f) No mobile homes, recreational vehicles or travel trailers shall be permanently sited on the lot. However, they can be used for interim accommodations during construction for a maximum period of 90 days.
- (g) Construction of any dwelling including driveway, walkway and landscaping, shall be completed within one (1) year from the date of commencement of construction. In the event the construction is not completed within twelve months, the Developer may, upon four months notice to the Purchaser, repurchase the Lands at the original price if construction is not completed within the four month notice period.
- (h) The Lands shall be kept clean, sanitary, free from refuse, debris and fire hazard at all times and no sewage or building waste material of any kind shall be dumped or stored on the Lands, except clean fill for the purpose of levelling in connection with the construction or erection of a dwelling or other structure therein or the immediate improvement of the Lands.

- (j) No excavation shall be made on the lands except excavations for the purpose of building on the same at the time of commencement of construction or for the purpose of improving the gardens and grounds thereof. No soil, sand or gravel shall be removed from the lands except with the prior written permission of the Grantor, or its successors or assigns.
- (j) No application of herbicides or pesticides on the lands is permitted, with the exception of commonly used household products.
- (k) The lands shall not be re-graded in such a manner as will block or impede any water course or swale or cause water to pond or build up on any abutting property.
- (l) There shall be no unregistered vehicle kept on the lands except within a wholly enclosed garage. No major repairs to any motor vehicles shall be effected save within a wholly enclosed garage, and only registered vehicles owned by the property owner.
- (m) No incinerator or other refuse burning device shall be erected or maintained upon the lands.
- (n) There shall be no construction of any well or septic system which contravenes any regulation of the Prince Edward Island Department of Environment. The Grantee shall be wholly responsible for construction and maintenance of his own septic tank and field tile, which shall be in accordance with the specifications established by provincial regulation and by government departments including, but not limited to, the sewer system requirements imposed by the Department of Community and Cultural Affairs.
 - i. It is acknowledged that some lots would be better served by a Community Sewerage Disposal System, as approved by the Island Regulatory and Appeals Commission. For these lots, the Per Unit Assessments shall be made in accordance with the invoices provided by the Developer or a successor Utility Corporation
 - ii All lots served by a Community Water System provided by the Developer and/or a Successor Utility Corporation, shall be assessed and obligated to pay the invoices provided by the Developer or a successor Utility Corporation.
- (o) There shall be no occurrence or activity on the lands which contravenes any applicable Municipal, County, Provincial, or Federal regulation or law.
- (p) No signs, billboards, notices or other advertising matter of any kind (except the ordinary signs offering lands or buildings thereon for sale or rent) shall be placed on any part of the lands or upon or in any buildings or on any fence, tree or other structure on the lands.
- (q) The Grantee shall be obligated to become a member of the Homeowners Association formed for Greenwich Dunes Estates and shall contribute his proportionate share for the cost of snow removal, maintaining the roads and any other common lands or rights-of-way within the subdivision. Such costs are to be

determined by the Developer and billed as it determines.

- (r) No items, including but not limited to, exterior television, radio, aeriels, satellite dishes or receivers larger than 30" in diameter, heat pumps and above ground storage tanks, shall be erected or maintained on any part of the Lands.
- (s) Vinyl siding shall not be used for exterior cladding on any building.
 - (i) The Grantee hereby covenants and agrees to purchase a minimum of 75% of building materials for the construction of any structure built upon the property from the building supply dealer as approved by the Developer; One hundred (100%) percent of the concrete from the Building Supply Dealer as approved by the Developer and One hundred (100%) percent of roof trusses and floor systems from the building supplier approved by the Developer, provided however, that the price of these items are competitive at other building supply stores. In the event that the Grantee conveys the property to a third party prior to the commencement or completion of the construction on the property, the Grantee shall ensure that the subsequent owner of the property enters into a similar agreement as between the Grantee herein, and the subsequent purchaser.
 - (ii) The Grantee acknowledges that this condition shall survive any closing of any transaction, and any subsequent conveyance, that the breach of this provision will cause financial damages to the Developer, and in the event that the Grantee breaches this condition, the Developer shall be entitled to recover all its costs and damages from the Grantee.
- (t) All buildings, walls, structures, driveways and landscaping placed or maintained upon the Lands or any portion thereon shall at all times be maintained in good condition and repair, including, but not limited to, the seeding, watering and mowing of lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings, houses or other improvements and external appurtenances, all in a manner and with such frequency as is consistent with good property management. All Lands, whether occupied or unoccupied, shall be maintained in a manner acceptable to the Developer. The Developer, in its sole discretion, may determine whether or not the Lands, or any part thereof, are orderly. The Developer may have an objectionable items removed so as to restore the proper appearance of the Lands, without liability therefore, and charge the Grantee for any costs incurred in the process and the Grantee agrees to pay such charges.
- (u) No portion of the Lands shall be used for the parking or storage of commercial vehicles, including, but not limited to, school buses, oil trucks, freight trucks, trucks over one tonne and any other vehicles of a similar nature.
- (v) No cattle, hogs, sheep, poultry, or other livestock, other than household pets normally permitted in private homes in urban residential areas, shall be permitted or kept on the Lands. No kennels and no breeding of pets for sale shall be permitted on the Lands.

- (w) The Grantee shall not allow any pet to leave the Lands unless it is under the immediate care and control of a competent and responsible person.
- (x) The Grantee shall connect the dwelling on the Lands to electricity via an underground conduit from the lot line to the dwelling.
- (y) The Grantee hereby agrees to consent to any future land development by the Developer.
- (z) The Developer shall have the right to convey to any governmental agencies or other public authorities any part of its remaining lands for parks, recreational or other similar purposes, for roadways or for pipes or conduits for sewage, drainage and electricity.
- (aa) The Developer shall have the right to grade the lands within and adjacent to the Lands as may be required for drainage and the construction of the streets, walkways and other improvements necessarily incidental to the Development.
- (bb) The Developer, its successors and /or assigns, may, in its sole discretion and without the consent of the Grantee, alter, waive or modify any of the foregoing building and other Covenants, provided their substantial character is maintained.
- (cc) The Developer may transfer the roadways and common areas to the Homeowner's Association at any time.
- (dd) If the Developer has transferred the roadways and common areas to the Homeowner's Association, the Homeowner's Association will be considered the Developer for the purpose of these Covenants and shall have the right to grant the various approvals contemplated by these Covenants, and to collect from the Grantee all sums owing or assessed.
- (ee) Easements ten (10) feet in width along the Lot lines of all Lots are reserved for installation, repair, replacement and maintenance of utilities, including the right to keep said easements free and clear of all obstructions. An easement of fifteen (15) feet is reserved for such purposes along the rear line of all Lots that do not adjoin other Lots or properties within the Subdivision. A perpetual easement fifteen (15) feet in width is reserved for the use and benefit of, and hereby granted to, the Association along each right of way margin of Greenwich Dunes Drive for the location and maintenance of trees and other landscape plantings, and in this regard the Association is granted free rights of ingress, egress and regress, from time to time, as may be advisable to plant, seed, prune, fertilize, spray and otherwise care for such trees and plantings.
- (ff) The Covenants herein are severable and the invalidity or unenforceability of any Covenant shall not effect the validity or enforceability of any other Covenant.
- (gg) The Grantee agrees to obtain from any subsequent purchaser or transferee a covenant to observe the Covenants herein set forth, including this clause.
- (hh) Wherever the consent of the Developer is required, it shall not be unreasonably withheld.

DATED: July ²⁴21, 2005

BETWEEN:

ST. PETER'S ESTATES LTD.

OF THE FIRST PART;

AND:

TIMOTHY R. BANKS

OF THE SECOND PART.

DEED OF CONVEYANCE

STEWART McKELVEY STIRLING SCALES
JCT/sbm PA1314-52561

Office of the Registrar of Deeds

For Kings County, Charlottetown, P.E. Island

Book 2015

Doc # 1977

The within document was registered on

The 9th Day of Sep A.D., 2005 on

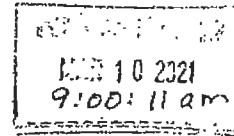
COMMISSIONER WITNESSED

Registrar


REGISTRAR

TAB
B

453



THIS INDENTURE

Made the 3 day of March in the year of our Lord two thousand twenty-one

IN PURSUANCE OF THE ENACTMENTS RESPECTING SHORT FORMS OF INDENTURES

BETWEEN:

6753914 CANADA INC., a body corporate, incorporated under the laws of the
Province of Prince Edward Island

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN in right of Canada, as represented by the Minister
of the Environment, for the Purposes of the Parks Canada Agency

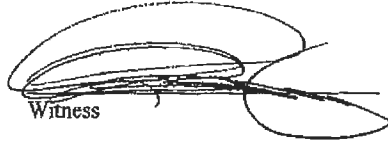
(hereinafter called the "Grantee")

OF THE SECOND PART

WITNESSETH that in consideration of ONE (\$1.00) DOLLAR of lawful money of Canada now paid by the Grantee to the Grantor (the receipt whereof is hereby by it acknowledged), the said Grantor DOTH grant unto the Grantee, Her successors and assigns, forever, all and singular the lands described in Schedule "A" attached hereto together with all the rights, privileges, easements, advantages and appurtenances to the said lands belonging or appertaining or thereunto now or heretofore holden, used, occupied or enjoyed: TO HAVE AND TO HOLD the said lands and premises with their appurtenances unto and to the use of the Grantee, Her successors and assigns, forever. (1) THE SAID GRANTOR COVENANTS with the said Grantee (2) THAT it has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor. (3) AND that the said Grantee shall have quiet possession of the said lands (4) FREE from all encumbrances (5) AND the said Grantor covenants with the said Grantee that it will execute such further assurances of the said lands as may be requisite. (6) AND the said Grantor covenants with the said Grantee that it has done no act to encumber the said lands. (7) AND the said Grantor releases to the said Grantee all its claims upon the said lands.

IN WITNESS WHEREOF the Grantor has executed this Indenture on the day and year first
above written.

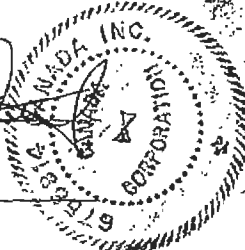
SIGNED, SEALED AND DELIVERED
in the presence of :


Witness

6753914 CANADA INC.

Per: 

Per: _____



CANADA
PROVINCE OF PRINCE EDWARD ISLAND

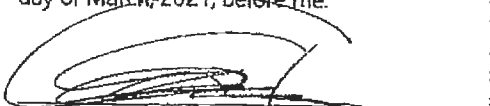
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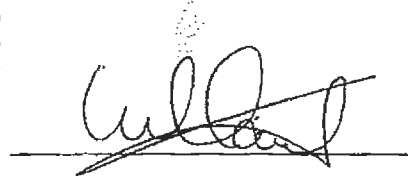
I, Wayne L. Carew, of Granville, Queens County, Prince Edward Island,

MAKE OATH AND SAY AS FOLLOWS:

1. THAT I am the President of the 6753914 CANADA INC. named in the within Indenture.
2. THAT the Corporate Seal affixed to the within Indenture is the Corporate Seal of the said 6753914 Canada Inc., and was thereto affixed by order of the Board of Directors of the said company to and for the uses and purposes therein expressed and contained.
3. THAT the name "Wayne L. Carew" subscribed to the within Indenture is the signature of me, the said President and was thereto subscribed by order of the Board of Directors of the said Company to and for the uses and purposes therein expressed and contained.
4. THAT the President is the duly authorized signing Officer of the said Company to execute the within Indenture.

SWORN TO at Summerside, in Prince County,)
Province of Prince Edward Island this 20)
day of March, 2021, before me:)


A Commissioner for Taking Affidavits in the
Supreme Court)



SCHEDULE "A"

PID 828285

ALL THAT PARCEL OF LAND situate, lying and being at Greenwich, in lot or township no. 40, in Kings County, Province of Prince Edward Island, bounded and described as follows, that is to say:

COMMENCING at a point located in the northern boundary of Route No. 313, as the same is shown on a plan of survey entitled "Plan Showing Parcel "B" and Parcel "D" to be conveyed by the Government of Prince Edward Island at Greenwich", prepared by the Prince Edward Island Department of Transportation and Public Works and certified by Carl G. MacDonald, P.E.I.L.S. on July 27, 1995, as file no. 2387A, said point being designated as point no. 805 on said plan, said point having coordinates East 325915.218, North 209860.017;

THENCE on an azimuth of 289° 19'32" for a distance of 448.895 metres to point no. 842 on said plan, said point having coordinates East 325491.617, North 210008.572;

THENCE in a northwestwardly direction on the arc of a curve to the right, said curve having a radius of 5489.94 metres for an arc distance of 162.21 metres to point no. 843 on said plan, said point having coordinates East 325339.364, North 210064.506;

THENCE on an azimuth of 291° 01'06" for a distance of 113.781 metres to point no. 858 on said plan, said point having coordinates East 325233.153, North 210105.315;

THENCE in a northwestwardly direction on the arc of a curve to the right, said curve having a radius of 374.94 metres for an arc distance of 68.17 metres to point no. 905 on said plan, said point having coordinates East 325172.087, North 210135.399;

THENCE on an azimuth of 345° 01'24" for a distance of 1187.914 metres to point no. 4500 on said plan, said point having coordinates East 324865.100, North 211282.962;

THENCE on an azimuth of 61° 01'24" for a distance of 85.000 metres to point no. 4501 on said plan, said point having coordinates East 324939.459, North 211324.140;

THENCE on an azimuth of 84° 31'24" for a distance of 622.883 metres to point no. 813 on said plan, said point having coordinates East 325559.499, North 211383.588;

THENCE on an azimuth of 164° 23'27" for a distance of 1280.021 metres to point no. 1307 on said plan, said point having coordinates East 325903.919, North 210150.775;

THENCE on an azimuth of 254° 23'27" for a distance of 67.056 metres to point no. 811 on said plan, said point having coordinates East 325839.336, North 210132.732;

THENCE on an azimuth of 164° 27'04" for a distance of 283.075 metres to point at the place of commencement.

BEING AND INTENDED to be Parcel "B" on the aforementioned plan and having an area of 97.95 hectares (242 acres) of land, more or less.

TOGETHER WITH the use of a right-of-way 12.19 metres in width, for ingress and egress, in common with the Grantor, its successors and assigns, bounded and described as follows:

COMMENCING at a point located in the northern boundary of the above described Parcel "B", said point being designated as point no. 4028, on the aforementioned plan, said point having coordinates East 324896.552, North 211300.379;

THENCE on an azimuth of 351° 43'59" for a distance of 77.188 metres to point no. 4026 on said plan, said point having coordinates East 324885.454, North 211376.765;

THENCE on an azimuth of 345° 01'24" for a distance of 144.188 metres to point no. 4022 on said plan, said point having coordinates East 324848.192, North 211516.055;

THENCE on an azimuth of 336° 29'33" for a distance of 100.781 metres to point no. 4020 on said plan, said point having coordinates East 324807.994, North 211608.472;

THENCE on an azimuth of 338° 46'59" for a distance of 91.871 metres to point no. 4018 on said plan, said point having coordinates East 324774.596, North 211694.058;

THENCE on an azimuth of 0° 46'07" for a distance of 35.715 metres to point no. 4016 on said plan, said point having coordinates East 324775.200, North 211725.768;

THENCE on an azimuth of 326° 35'18" for a distance of 64.554 metres to point no. 4014 on said plan, said point having coordinates East 324739.654, North 211783.653;

THENCE on an azimuth of 21° 53'36" for a distance of 74.758 metres to point no. 4012 on said plan, said point having coordinates East 324767.529, North 211853.020;

THENCE on an azimuth of 323° 04'47" for a distance of 100 metres, more or less or to the ordinary high water mark of the shore of the Gulf of St. Lawrence;

THENCE in a northeastwardly direction following the various courses of the ordinary high water mark of the shore of the Gulf of St. Lawrence, for a distance of 13 metres, more or less or to a point being located a distance of 100 metres, more or less on an azimuth of 143° 04'47" from point no. 4013;

THENCE on an azimuth of 143° 04'47" for a distance of 100 metres, more or less or to point no. 4013 on said plan, said point having coordinates East 324781.404, North 211854.850;

THENCE on an azimuth of 201° 53'36" for a distance of 75.242 metres to point no. 4015 on said plan, said point having coordinates East 324753.348, North 211785.035;

THENCE on an azimuth of 146° 35'18" for a distance of 61.937 metres to point no. 4017 on said plan, said point having coordinates East 324787.454, North 211733.333;

THENCE on an azimuth of 180° 58'07" for a distance of 37.086 metres to point no. 4019 on said plan, said point having coordinates East 324786.827, North 211696.253;

THENCE on an azimuth of 158° 40'59" for a distance of 89.237 metres to point no. 4021 on said plan, said point having coordinates East 324819.267, North 211613.121;

THENCE on an azimuth of 156° 29'33" for a distance of 101.457 metres to point no. 4023 on said plan, said point having coordinates East 324859.735, North 211520.085;

THENCE on an azimuth of 165° 01'24" for a distance of 145.812 metres to point no. 4027 on said plan, said point having coordinates East 324897.416, North 211379.226;

THENCE on an azimuth of 171° 43'59" for a distance of 73.294 metres to point no. 4029 on said plan, said point having coordinates East 324907.955, North 211306.694;

THENCE on an azimuth of 241° 01'24" for a distance of 13.034 metres to point at the place of commencement.

AND ALSO that piece or parcel of land being the remainder of PID 828269, namely:

ALL THAT PARCEL of land situate, lying and being at Greenwich, in Lot or Township No.40 in Kings County, Province of Prince Edward Island, bounded and described as follows: that is to say:

COMMENCING at a point being One Hundred (100') feet North of the northerly margin of Route No. 313 where the same is intersected by Easterly margin of a Sixty-six (66') foot wide Right of Way at point referenced as Steel Survey Marker (SSM) 8520 shown on a Plan entitled "Plan of Survey Showing Parcels 99-1, 99-2, 99-3, 99-4 and (ROW to be relinquished at Greenwich)" Prepared by Prince Edward Island Department of Transportation and Public Works and certified by Serge J. Bernard on July 1995 as File No. 2387. Said point having coordinates: E 324499.907 and N 210485.244.

THENCE on an azimuth 344° 26'32" a distance of 3,656.77 feet to SSM 8515 having coordinates: E 324200.966 and N 211558.990;

THENCE on an azimuth 72° 31'48" a distance of 1,177.66 feet to SSM 8525 having coordinates: E 324543.360 and N 211666.750;

THENCE on an azimuth 164° 41'10" a distance of 4,044.57 feet to SSM 4702 having coordinates: E 324868.949 and N 210477.738;

THENCE on an azimuth 254° 41'22" a distance of 199.70 feet to SSM 4703 having coordinates: E 324810.238 and N 210461.665;

THENCE on an azimuth 291° 36'08" a distance of 108.83 feet to SSM 8424 having coordinates: E 324779.394 and N 210473.877;

THENCE along the arc of a curve having a radius of 756.04 feet for the arc distance of 345.63 feet to SSM 8523 having coordinates E 324684.397 and N 210517.261;

THENCE on an azimuth 281° 26'57" a distance of 60.72 feet to SSM 8522 having coordinates: E 324666.257 and N 210520.935;

THENCE along the arc of a curve having a radius of 526.38 feet for the arc distance of 290.26 feet to SSM 8521 having coordinates E 324579.154 and N 210514.316;

THENCE on an azimuth 249° 51'18" a distance of 276.94 feet to SSM 8520 being the point at the place of commencement;

BEING AND INTENDED TO BE "Remaining Portion of Parcel A".

CONTAINING by estimation 41.18 hectares, a little more or less.

TOGETHER WITH the use of Right of Way R-1, by virtue of a Grant of Right-of-way, from the Government of Prince Edward Island to St. Peter's Estates Ltd., dated the 13th day of April, 2005, registered in the Kings County Registry Office on the 12th day of August, 2005 in Book 2014, Document Number 1728, described as follows: that is to say:

A 20.181 metre wide Right of Way extending from the northerly margin of Route 313 in a northerly direction to northern boundary of the above-noted "Remaining Portion of Parcel A", as shown on a plan of survey entitled "Plan of Survey Showing Right of Way R-1, Access A, Access B & Access C", as prepared by the Department of Transportation and Public Works, and certified by Serge J. Bernard, P.Eng., N.B.L.S., P.E.I.L.S. on November 6, 2003, as file No. 3219, registered in the Kings County Registry Office on the 18th day of December, 2003 as Plan No. 13546.

Said Parcels of land having been approved by the Department of Community Affairs on the 10th day of September, 1999 and bearing Case No. 18302B.

SAVING AND EXCEPTING THEREOUT and THEREFROM, those parcels of land, being lot numbers:

1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 39, 40, 41, 42, and 48

DATED: the 3rd day of November, 2020.

BETWEEN:

TOWN OF CORNWALL, a municipal body corporate,
incorporated under the laws of the Province of Prince Edward

- and -

HER MAJESTY THE QUEEN in right of Canada, as
represented by the Minister of Public Safety and Emergency
Preparedness, for the Purposes of the Royal Canadian Mounted

DEED

Provincial Parcel No. 702035 & Portion of PID 703413

Department of Justice Canada
Atlantic Regional Office
Suite 1400 - 5251 Duke Street
Halifax, NS
B3J 1P3

Alan R. Farquhar, Counsel, Department of Justice

File# LEX-500019600

Office of the Registrar of Deeds

For Kings County, Charlottetown, P.E. Island

Book 2209

Doc # 453

The within document was registered on

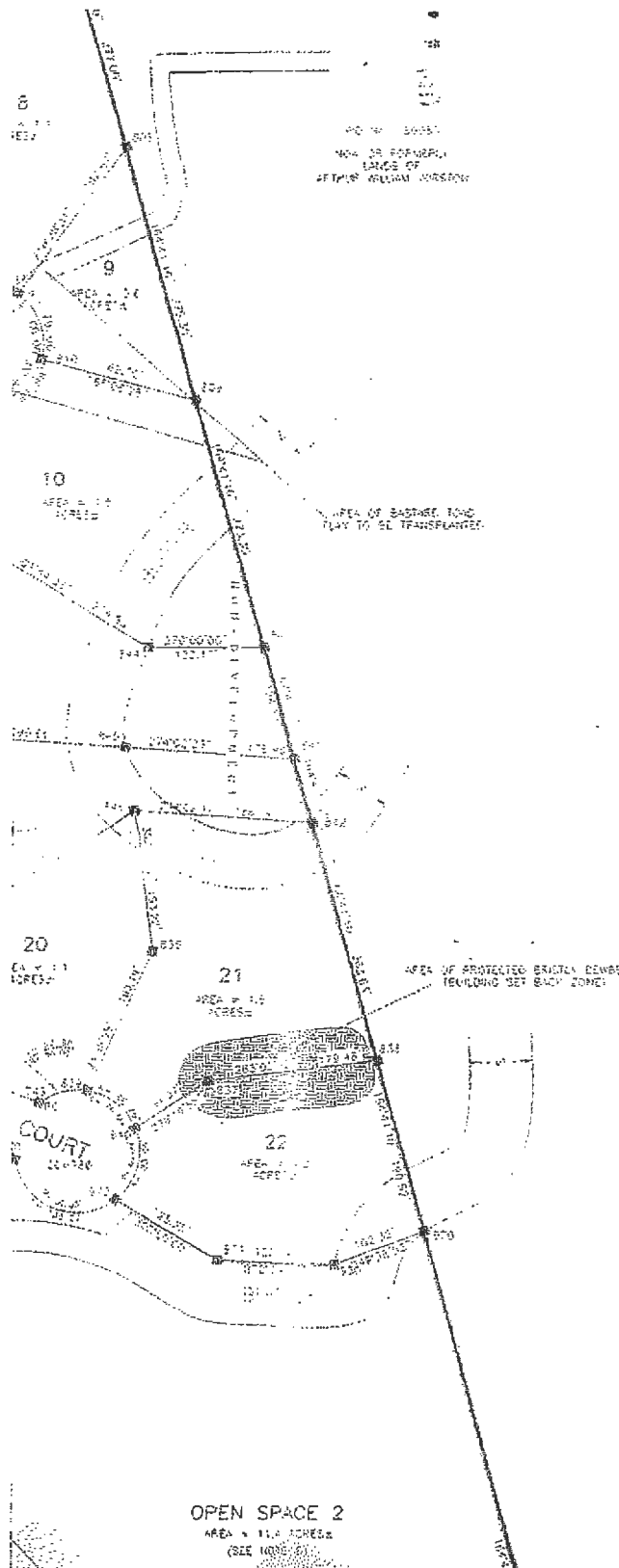
The 10th Day of Mar A.D., 2021 on

COMMISSIONER WITNESSED



ASST REGISTRAR

TAB C



(Summer Cottage)

Category I -

Lots 2 to 9, 11 to 14, 26 to 34, 39 to 44

Category III -

Lots 1, 10, 15 to 25, 45, 46, 51 to 54, 68

Subject to:

- a. All lots shall be serviced by a central water system that has been designed and constructed in accordance with the requirements of the Department of Environment, Energy and Forestry.
- b. Lots 35 to 38 and 45 to 70 shall be serviced by a central sewage disposal system designed and constructed in accordance with the requirements of the Department of Environment, Energy and Forestry.
- c. Category III lots that are not serviced by the central sewage disposal system shall be serviced by on-site disposal systems that have been designed by a professional engineer and approved by the Department of Environment, Energy and Forestry.
- d. The use of water conservation plumbing fixtures shall be mandatory throughout the development.
- e. The resort shall be developed and occupied in accordance with an Environmental Protection Plan, Environmental Management Plan and Human Use Management Plan as approved by the Department of Environment, Energy and Forestry.
- f. Direct lot access to the beach access road is prohibited.
- g. The areas containing bristly dewberry and bastard toed flax as indicated on this plan be maintained in their natural state.
- h. On all wooded lots, the limit of clearing shall be restricted to the building setback regulations in order to preserve forest cover.
- i. Every deed of conveyance of every lot providing for each lot owner to have a right-of-way from the lot to the public road, as shown on the plan.
- j. Rights-of-way shown on this plan remaining private; approval of this plan in no way implies that the Province of Prince Edward Island accept responsibility for construction or maintenance of roadways or associated drainage facilities.
- k. Construction and maintenance of roadways & associated drainage facilities within the bounds of the private rights-of-way shown on this plan being the responsibility of the subdivider, or of an association of lot owners formed for that purpose.

TAB D



