



Land Division

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Agriculture  
and Land

Agriculture  
et Terres



Division de terres

31, promenade Gordon  
C.P. 2000, Charlottetown  
Île-du-Prince-Édouard  
Canada C1A 7N8

February 1, 2023

Mike Hogan  
4059 Route 19  
Cumberland, PE C0A 1H2

Dear Mr. Hogan:

**Re: Subdivision Case # 56447, Nine Mile Creek, Parcel #111137**

Upon further review of the file, the Minister of Agriculture and Land hereby rescinds the preliminary approval dated July 27, 2023 under subdivision Case # 56447 pursuant to section 30(1)(a)(iii) of the *Planning Act* Subdivision and Development Regulations.

Section 30 states:

- (1) The Minister may alter or rescind a subdivision approval, in whole or in part, where**  
**(a) the subdivision has been carried out contrary to**  
**(i) the approved plan,**  
**(ii) any conditions of approval,**  
**(iii) these regulations, or**  
**(iv) any other applicable Acts or regulations;**

It has been determined that the subdivision application was processed as a stand-alone five lot subdivision. However, there appears to have been three other lots previously approved from this parcel since June 12, 1993. As such, the application should have been evaluated as a total of eight lots from the parcel thus requiring additional information and other required submissions pursuant to section 14 of the *Planning Act* Subdivision and Development Regulations.

- 14.(3) An application for the subdivision of six or more lots shall be accompanied by:**  
**(a) a plan or plans showing**  
**(i) the true shape and dimensions of the property to be subdivided, the proposed lots and uses, and all roads or rights-of-way proposed to provide access to the lots from a public highway,**  
**(ii) a key plan indicating the general location of the land to be subdivided,**  
**(iii) the north point,**

- (iv) the scale,
  - (v) the location and current use of all existing buildings or structures on the site and within 100 feet (30.4 metres) of the site,
  - (vi) existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems,
  - (vii) all land proposed as open space, park, recreation or other common area,
  - (viii) watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to, the proposed subdivision,
  - (ix) existing and proposed private rights-of-way or easements,
  - (x) elevation contours and the proposed storm water drainage pattern within the subdivision and within 300 feet (91.4 metres) of the boundaries of the subdivision,
  - (xi) any special planning areas affecting the site;
- (b) any additional information the Minister considers necessary.

14.(4) For the purpose of determining the number of lots, all parcels to be severed from the original parcel shall be counted.

14.(5) All provisions of these regulations for subdivisions of six or more lots shall apply where a parcel has been subdivided incrementally so as to bring the number of lots created since June 12, 1993 to six or more. (EC693/00; 137/09)

As the above information was not supplied with the application, the preliminary approval must be rescinded pursuant to section 30.(1)(a)(iii) of the *Planning Act* Subdivision and Development Regulations.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you require any further information, please contact me at 902-368-4465 or [emlloyd@gov.pe.ca](mailto:emlloyd@gov.pe.ca).

Yours truly,



Eugene Lloyd  
Manager (Acting) of Development Control