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**To:** [PublicOnlyCouncilEmail](#)  
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Dear Members of Council and Municipal Officials,

The sale of the property at 1011 Hwy 14 in Upper Vaughan otherwise known as the Pisiquid Canoe Club (PCC) recently closed bringing an end to what could be described as a turbulent time within our community. A time where numerous community members lost faith and trust in the words and actions of municipal officials. A time when it took a judicial review to hold municipal officials accountable to uphold WHRM Land Use Bylaws. A time of financial costs to WHRM taxpayers of an estimated \$80 to \$100,000 with WHRM having to pay legal fees to defend its actions in the judicial review in the NS Supreme Court and later against the PCC at a UARB hearing. The reflective question is: Why?

We ask this question because throughout this issue municipal officials have consistently denied that there had been any communications/discussions with ACOA regarding the sale of the property at 1011 Hwy 14 to the PCC. The Mayor & WHRM officials indicated that they were completely blind-sided and unaware of the sale. When the CAO was asked directly, during a meeting of the WHRM Council, about communications with ACOA by councillor Ivey, the response did not appear to actually address the question.

Through an ATIP with ACOA followed up by an investigation by the Office of the Information Commissioner of Canada we learned that in fact there had been communication between ACOA and WHRM. Information from ACOA states:

*“Follow up included a call to West Hants Regional Municipality*

*A call occurred Monday March 28, 2022 with West Hants Regional Municipality CAO. Was informed that the project was zoned General Resource. If rezoning was to be considered for institutional use then it would be done through a developmental agreement for which a planning process was required involved both the Municipality and the Province. The process would require a series of hearings and community discussions which could take approximately 2-3 months. Significant public opposition could prevent rezoning. In the end, the onus will be on the Canoe Club leadership to decide whether to pursue rezoning, it is a grey area. Nothing noted contrary to information in application.”*

The blatant fact is that there had been communication, despite WHRM’s consistent denial, and that municipal officials were very much aware from the outset that the zoning and land

use bylaws did not allow for the PCC activities. This apparent lack of transparency should be extremely concerning for all council members and residents of WHRM.

In this case it would be easy to place blame on the decisions of the Development Officer and to some extent this might be true. Yet, where does the buck stop? The decisions regarding the judicial review and the spending of thousands of tax dollars to defend a position that knowingly was contrary to municipal bylaws, had to be made at the top.

It needs to be highlighted that the residents in this dispute offered the municipality an off ramp after the disclosure and review of the judicial record. The record demonstrated the attempts by staff to manipulate bylaws for a desired outcome and the resulting chaos within the staff.

Prior to the judicial review actually going to court and becoming exorbitantly expensive for all, the residents made an offer to the municipality for both sides to stop the review, cover their own legal costs to date, and requested that the municipality rescind the current land use permit. The olive branch offered by the residents was rejected by the municipality.

The bottom line is that municipal officials were aware of the LUB, but for some reason turned a blind eye to the municipal bylaws. This is truly concerning given the communication with ACOA demonstrating that Municipal officials were well aware of the LUB. The municipality's actions not only caused tremendous turmoil for both residents of Upper Vaughan and the Pisiqid Canoe Club but cost taxpayers of WHRM an estimated \$80 to \$100,000 or more. Where is the accountability?

One would think that transparent reliable communication between staff and council would be an essential cornerstone in their relationship. Council can do with this information as they wish, yet serious WHY questions persist.

- Why the consistent denial of communication with ACOA?
- Why the lack of transparency even when responding to a direct question from Council?
- Why as highlighted by the judge in the judicial review did municipal officials work so hard to "reverse engineer" a desired outcome?

As an aside:

The PCC purchased the property in May of 2022 for just over 1.2 million dollars with taxpayer funds provided by ACOA (\$632,500) and the province (\$600,000). The property just sold for \$940,000. A tidy profit of tax dollars for the PCC of approximately \$890,000 after realtor

commission, taxes and fees. It is our understanding, though unconfirmed, that the original ACOA funds (\$632,500) need to be repaid, but not the \$600,000 from the province. Still a tidy profit of approximately \$250,000. It would be much more equitable if the profit from the sale could be shared among youth sport organizations within the municipality. This would be a fabulous benefit to the many youth organizations and the young participants within the municipality rather than the limited membership of the PCC. This is out of the jurisdiction of the municipality yet perhaps a letter from council in support of the equitable disbursement of these funds to the MLA and Province would be a positive step to enhance youth organizations across WHRM.

Respectfully,

Seamus Marriott

Zwicker Lake Property Owners Committee