



**THE ISLAND REGULATORY AND
APPEALS COMMISSION**

Prince Edward Island
Île-du-Prince-Édouard
CANADA

**Docket LA10010, LA10011,
LA10012, LA10013 and
LA10023
Order LA12-08**

IN THE MATTER of appeals by Heather
McBeath and Wanda Wood of several
decisions of the Community of Victoria.

BEFORE THE COMMISSION

on Friday, the 21st day of December, 2012.

Allan Rankin, Vice-Chair
Maurice Rodgerson, Chair
Jean Tingley, Commissioner

Order

IN THE MATTER of appeals by Heather
McBeath and Wanda Wood of several
decisions of the Community of Victoria.

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IN THE MATTER of appeals by Heather
McBeath and Wanda Wood of several
decisions of the Community of Victoria.

Appearances & Witnesses

1. **For the Appellants Heath McBeath and Wanda Wood**
Not present.
2. **For the Respondent Community of Victoria**
Hillary Price

IN THE MATTER of appeals by Heather McBeath and Wanda Wood of several decisions of the Community of Victoria.

Reasons for Order

1. Introduction

[1] The Appellants Heather McBeath and Wanda Wood filed five Notices of Appeal with the Island Regulatory and Appeals Commission (the Commission) under section 28 of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, (the *Planning Act*).

[2] The Notice of Appeal for LA10010 was filed on May 20, 2010 and pertains to a decision of the Respondent Community of Victoria (the Respondent) dated April 16, 2010.

[3] The Notice of Appeal for LA10011 was filed on May 25, 2010 and pertains to a decision of the Respondent of unknown date.

[4] The Notice of Appeal for LA10012 was filed on June 16, 2010 and pertains to a decision of the Respondent of May 28, 2010.

[5] The Notice of Appeal for LA10013 was filed on June 16, 2010 and pertains to a decision of the Respondent dated June 7, 2010.

[6] The Notice of Appeal for LA10023 was filed on October 13, 2010 and pertains to a decision of the Respondent dated September “27-28”, 2010.

[7] On May 25, 2010 the Respondent requested that appeal LA10010 be held in abeyance pending the outcome of an earlier appeal involving the same parties, LA09014. The Commission granted that request and subsequently extended the abeyance to LA10010 through LA10013 and LA10023.

[8] On April 7th, 2011, the Commission issued Order LA11-05 ordering that the Commission had no jurisdiction to hear appeal LA09014.

[9] On March 21, 2012, the Appellant Heather McBeath (Ms. McBeath) contacted Commission staff about the possibility of holding a meeting between the parties to discuss the various appeals. The Respondent was receptive to this proposal. Ms. McBeath later advised that the Appellant Wanda Wood (Ms. Wood) was not interested in pursuing a meeting of the parties.

[10] On November 13, 2012 the Commission advised the parties by email and ordinary mail that a hearing of appeals LA10010 through LA10013 and LA10023 would be held on December 10, 2012. On November 13, 2012 Ms. McBeath advised the Commission that she would not participate in the hearing as she no longer has an interest in the matter.

[11] On December 3, 2012, a newspaper notice of the hearing was published in the Charlottetown *Guardian* newspaper.

[12] On December 3, 2012, Ms. Wood advised the Commission that she would not attend the hearing as it was not her intention to pursue the appeals any further. On December 4, 2012 the Commission advised the Respondent that neither Appellant intended to appear at the hearing.

[13] The Commission decided to proceed with the public hearing as scheduled on December 10, 2012 as the hearing was advertised in the *Guardian* and interested members of the public might wish to appear and be heard.

[14] The Commission heard the matter on December 10, 2012. As anticipated, neither Appellant appeared. The Respondent was represented by Hillary Price, Chief Administrative Officer. No members of the public were present.

2. Findings

[15] Given that the Appellants did not wish to proceed with their appeals and advised the Commission accordingly, the Commission determined that the appeals were abandoned and thus these appeals are hereby dismissed.

3. Disposition

[16] An Order dismissing these appeals follows.

IN THE MATTER of appeals by Heather McBeath and Wanda Wood of several decisions of the Community of Victoria.

Order

WHEREAS the Commission had received several appeals filed by the Appellants Heather McBeath and Wanda Wood, said appeals described in the attached Reasons for Order;

AND WHEREAS the Commission held a public hearing in Charlottetown on December 10, 2012, after giving due public notice, with respect to its jurisdiction to hear these appeals;

AND WHEREAS the Commission has issued its findings in this matter in accordance with the Reasons for Order issued with this Order;

NOW THEREFORE, pursuant to the *Island Regulatory and Appeals Commission Act* and the *Planning Act*

IT IS ORDERED THAT

1. Appeals LA12010 through LA12013 and LA12023 are hereby dismissed.

DATED at Charlottetown, Prince Edward Island, this 21st day of December, 2012.

BY THE COMMISSION:

Allan Rankin, Vice-Chair

Maurice Rodgerson, Chair

Jean Tingley, 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.

NOTICE: IRAC File Retention

In accordance with the Commission'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.

IRAC141AA(2009/11)