

May 17, 2021

The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501
134 Kent St., P.O. Box 577
Charlottetown, PE C1A 7L1

Legal Services
Justice and Public Safety
3rd Floor, Jones Building
11 Kent Street, P.O. Box 2000
Charlottetown, PE C1A 7N8

Subject: Motion Requesting Information Pertaining to File No. LW20001 Jaycee and David Sabapathy v Minister of Transportation and Infrastructure

The following motion is filed by the Appellants pursuant to Rules 46 and 61 of the IRAC Rules of Practice and Procedure.

1. Whereas the Province filed an electronic copy of the Record for File No. LW20001 with the Commission on April 14, 2021;
2. And whereas the Appellants noted to the Commission on April 23, 2021 that there appeared to be omissions in the Record submitted by the Province;
3. And whereas the Appellants submitted to the Commission on April 26, 2021 additional information regarding File No. LW20001 which was not included in the Record, which the Province has on file, is relevant to File No. LW20001;
4. And whereas the additional information provided by the Appellants includes the following:
 - a. Documentation regarding information requests and results of those requests under the FOIPP Act;
 - b. Correspondence from four senior government officials stating the road fronting PID 529461 is a seasonal road (obtained from FOIPP requests);
 - c. Redacted correspondence between Mr. Wayne Tremblay, then Chief Surveyor and Provincial Chief Surveyor for the Province, and government officials (obtained from FOIPP requests);
5. And whereas, despite the Province reaffirming on April 26, 2021 that a full Record of the decision maker has been provided, the Appellants have reasonable grounds to request additional information which is necessary for a complete understanding of this issue in a hearing;

Therefore, the Appellants respectfully request that the Commission require the Province to file further information, material or documents related to File No. LW20001. This includes:

- a. All information, material, documents, and un-redacted correspondence by Mr. Wayne Tremblay related to File No. LW20001;
- b. All information, material, documents, and un-redacted correspondence by Mr. Allen Aitken related to File No. LW20001;
- c. Any other information, material or documents related to File No. LW20001.

David Sabapathy and Jaycee Sabapathy
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