

February 20, 2025

VIA: Email (mwalshdoucette@irac.pe.ca)

Attention: Michelle Walsh-Doucette

Island Regulatory & Appeals Commission
National Bank Tower, Suite 501
134 Kent Street
Charlottetown, PE C1A 7L1

Dear Ms. Walsh-Doucette:

**Re: Sabharwal Atlantic Holdings Ltd. (the “Appellant”) v City of Charlottetown (the “City”)
Appeal HP24001**

Please accept this letter and its enclosures as the City’s response to the Appellant’s correspondence dated December 11, 2024, requesting a supplement to the City’s Record and raising two preliminary issues. The City has endeavoured to address these issues below:

Appeal Record

The City encloses a Supplemental Record which contains the following documents as requested by the Appellant:

- Certified copy of the City’s Heritage Preservation Bylaw
- Signed Heritage Board meeting minutes dated August 28, 2023, September 25, 2023, November 16, 2023 and August 26, 2024
- Signed minutes of the regular monthly meeting of Council dated October 10, 2023 and September 10, 2024.

Please note that we are in the process of obtaining signed minutes of the November 27, 2023, special meeting of Council. Which we will provide as soon as possible.

We have further enclosed a list of related documents which are or were in the City's possession, control or power, but have been withheld from the Record on the basis that they are subject to privilege.

With respect to the Appellant's request for verbatim transcripts, the City does not intend to certify the verbatim minutes provided in the Record. However, in an effort to ease any concerns that the Appellant may have as to the completeness of the minutes, the City suggests that the following video recordings of the meetings be filed as additional documents and can be referenced at the hearing should the need arise:

- August 28, 2023 – [Heritage Board Minutes](#)
- October 10, 2023 – [Council Minutes](#)
- November 16, 2023 – [Heritage Board Minutes](#)
- November 27, 2023 – [Special Meeting of Council Minutes](#)
- August 26, 2024 - [Heritage Board Minutes](#)
- September 10, 2024 – [Council Minutes](#)

With respect to the request for a copy of “*any ministerial approval necessary to make effective under the Heritage Preservation Bylaw*” (the “Bylaw”), the City submits that ministerial approval was not required to enact the Bylaw. Specifically, the relevant Minister delegated its powers under the *Heritage Places Protection Act* (the “Act”) to the City in 1998.¹ The reference to “Ministerial Approval” of October 1, 2018 under the Appendix A Bylaw Revision History of the Bylaw was in reference to the ministerial approval required for the Zoning and Development Bylaw that previously contained the heritage provisions, but which were removed from the Zoning and Development Bylaw upon adoption of the Heritage Preservation Bylaw. Neither the *Municipal Government Act*, RSPEI 1988, c M-12.1 nor the *Heritage Places Protection Act*, RSPEI 1988, c H-3.1 or their respective regulations required the City to obtain approval from the Minister to enact the Bylaw.

Finally, we will consider the additional requests provided in the letter of February 19, 2025 and provide a response in the coming days.

¹ The City provided a copy of a letter dated October 1, 1998 from the Minister to the City to the Island Regulatory and Appeals Commission via email on November 14, 2024.

Preliminary Issues

The Appellant has indicated that there are two preliminary issues:

1. was there a valid delegation of ministerial authority under the *Act*; and,
2. if so, is that delegation broad enough to encompass the designation under appeal?

The City requests further particulars with respect to the two issues raised. The City further states its position that the Minister clearly delegated its authority under the *Act* to the City in 1998.

Trusting this is satisfactory.

Yours very truly,

Maggie Hughes

For: Meaghan Hughes &
Maggie Hughes

Enclosure.

cc. Christiana Tweedy, Counsel for Justice and Public Safety
Curtis Doyle, Counsel for the Appellant
Todd Saunders, City of Charlottetown Heritage Officer