

File Reference: SM4014-125

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Via Electronic Mail (mwalshdoucette@irac.pe.ca)

Island Regulatory and Appeals Commission
5th Floor, Suite 501
134 Kent Street
Charlottetown, PE C1A 7L1

Attention: Michelle Walsh-Doucette, Commission Clerk

Dear Ms. Walsh-Doucette:

Re: Appeal #LA25014 – John Carroll v. Resort Municipality

We have been retained by the respondent, the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico ("Resort Municipality"), to respond to the notice of appeal that has been filed with the Island Regulatory and Appeals Commission ("Commission").

The face of the notice of appeal filed by the appellants is clear that this purported appeal relates to a decision by council to approve a temporary use, namely a parking lot.

Before moving forward in this matter with the Commission and mediating or addressing the merits of this impugned decision, it is necessary for the Commission to first determine whether it has jurisdiction to proceed with this appeal pursuant to s. 28(1.1) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8. This appeal relates to a decision by the Resort Municipality to approve a temporary use, namely a parking lot, under s. 4.29 of its Land Use Bylaw, Bylaw RM-2023-LUP-1. The Commission has previously held that it does not have jurisdiction to hear an appeal from a decision to approve a transient or temporary use. **See *G. Willikers Ltd. v. Resort Municipality*, Order LA15-02 (February 12, 2015).** A copy of this decision is enclosed.

This matter is one that falls squarely within Rule 41 and ought to be determined expeditiously in writing by the Commission to minimize the costs for all parties.

Yours truly,

Stewart McKelvey



Hilary A. Newman

HAN/dr

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