

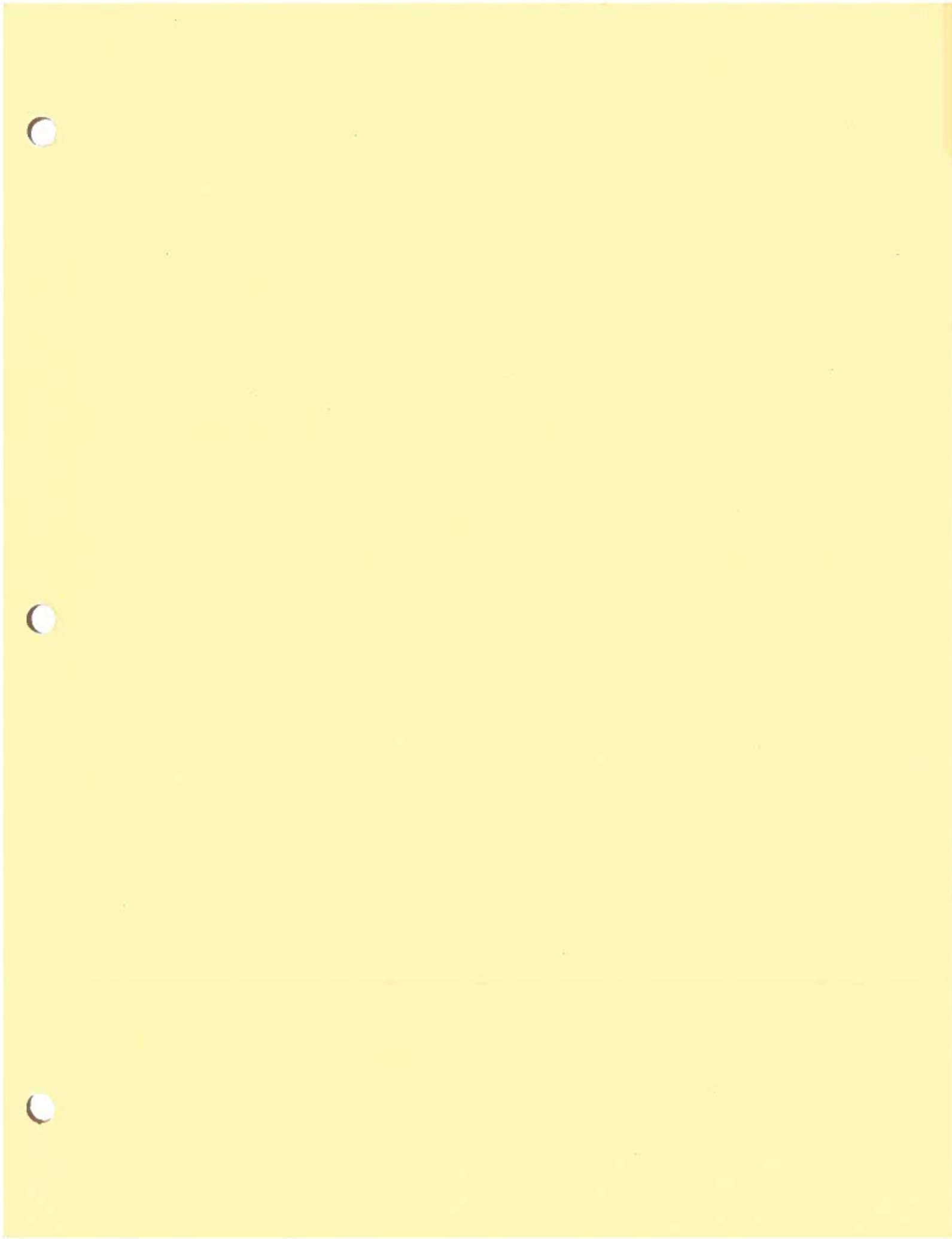
**Record filed by
The City of Charlottetown
In the matter of
Louise Aalders v. City of Charlottetown
(Appeal #LA25011)**

Submitted by Melanie McKenna
on behalf of the City of Charlottetown

October 9, 2025

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6	July 30 to August 1, 2025	Email exchanges between Dale Thompson and David Gundrum with cc to Hannah Jenkins and Greg Wilson attaching Buffer Zone Map
7	August 6 to September 19, 2025	Email exchanges re Planning Appeal – LA 25011 – Aalders v. City of Charlottetown with Notice of Appeal
8	September 2, 2025	Planning Board Meeting Presentation re Reconsideration Request
9	September 2, 2025	City of Charlottetown Committee Report with attachments: - Attachment A – Air Photo - Attachment B – Permit 214-BLD-25 - Attachment C – Site Mobilization Plan - Attachment D – Reconsideration Request - Attachment E – Development Site Plan
10	September 2, 2025	Planning & Heritage: Planning Board Minutes – Meeting Excerpt
11	September 2, 2025	Planning & Heritage: Planning Board Minutes – Verbatim Minutes
12	September 9, 2025	Regular Monthly Meeting of Council
13	September 9, 2025	Resolution of Council
14	Undated	Photographs of Site
15	Various	Correspondence



DESIGN REVIEW BOARD REPORT FILE: PLAN-2025-10-FEBRUARY-6A-1 Haviland Street (PID# 1100635) OWNER: Pan American Properties Inc. APPLICANT: Pan American Properties Inc. (c/o Cain Arsenault)		
MEETING DATE: February 10, 2025		Page 1 of 7
DEPARTMENT: Planning & Heritage	ATTACHMENTS: A. Design Review Renderings (December 17, 2024) B. Site Plan (December 17, 2024) C. Design Reviewer Comments (January 31, 2025) D. Location Map	
SITE INFORMATION: Context: Vacant lot proposed to be developed with an apartment building (7 storeys, 49 units) Ward No: 1 – Queens Square Existing Land Uses: Vacant – flag-shaped lot adjacent to lot containing existing apartment building to the east as well as lots containing Federal building (Department of Defence) to the north and post-secondary institution (Culinary Institute of Canada) to the south. Official Plan: Waterfront Zoning: Waterfront Zone (WF)		

RECOMMENDATION:

The Planning & Heritage Department encourages that the Design Review Board approve the submitted building façade plans for the proposed apartment building (7 storeys, 49 units total) for the subject property identified as Haviland Street (PID# 1100635) in the Waterfront (WF) Zone in response to the Design Reviewer’s recommendations.

BACKGROUND:

Request

Pan American Properties Inc. has submitted a design proposal for a proposed seven (7) storey, multi-unit residential building that based on current submissions to the City would have a total of forty-nine (49) dwelling units. The proposed building has been found to meet all of the associated requirements and regulations under zoning as per the Waterfront (WF) Zone.

By-law Requirement

As per Section 3.14.1 of the Zoning and Development Bylaw, new multi-residential buildings located within the 500 Lot Area are required to undergo the Design Review process. This is to ensure that the architectural design of proposed developments within the 500 Lot Area maintain

a high quality of design and are constructed with a consistent type and quality of materials to ensure compatibility with the existing built character and form of the 500 Lot Area.

ANALYSIS:

The applicants submitted an architectural drawing package outlining their proposal to construct the proposed 7-storey apartment building on the subject property. The submission included façade drawings, elevation drawings and a site plan of the proposed multi-unit building (see Attachments A and B). The proposed building design submissions were sent to an independent design reviewer and licensed Architect at Stantec Architecture Ltd., to complete a design analysis consistent with the design review requirements of the Zoning & Development Bylaw.

On January 31, 2025, Stantec Architecture Ltd. submitted a formal third-party review. For further information please refer to Attachment C, which indicated the following main points and concluding summary:

PROPORTION & RHYTHM

RECOMMENDATION: Review window articulation in white section of building to create verticality.

FAÇADE ARTICULATION & MATERIALITY

RECOMMENDATION: Review balcony finish, review possibility of adding a front entrance canopy.

SUMMARY

The overall design of The Banks project is generally of good quality and an appropriate in-fill project that warrants consideration. We present the above recommendation for consideration.

CONCLUSION:

Planning Staff are recommending that the Design Review Board support the design proposal for the seven (7) storey multi-unit residential building on the property identified as Haviland Street (PID# 1100635) with consideration for the Design Reviewer's recommendations outlined in their letter dated January 31, 2025.

PRESENTER:

David Douglas Gundrum, RPP, MCIP
Manager of Development Planning

Attachment “A” – Design Review Renderings (December 17, 2024):

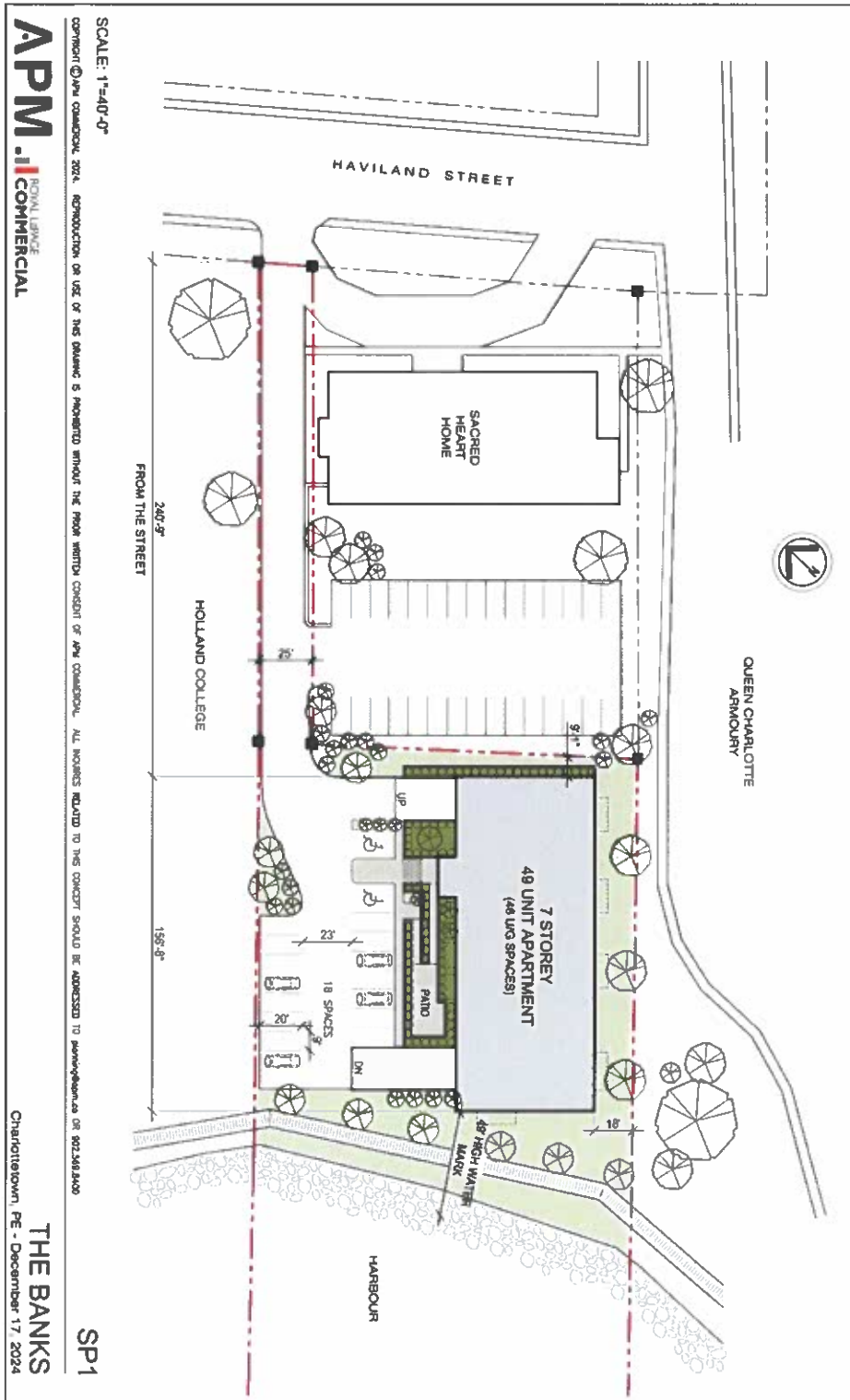








Attachment “B” – Site Plan (December 17, 2024):



Attachment “C” – Design Reviewer Comments (January 31, 2025):

Stantec Architecture Ltd.
Suite 350 - 1133 St. George Boulevard
Moncton NB E1E 4E1

January 31, 2025

David Gundrum, RPP, MCIP
Manager of Development Planning
City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island

Reference: The Banks – Charlottetown, PE

Dear David,

The following design review has been prepared for the development an apartment building on the parcel of land located behind the Sacred Heart Home at 13 Haviland Street.

This review is based on the documents received on January 24, 2025, from the City of Charlottetown Planning & Heritage Department; drawing package titled The Banks Reimagined dated December 17, 2024. The package consists of a site survey, site plan, floor plans, building elevations and perspective images with suggested exterior finishes.

Context

Seven storeys, 49 unit apartment building with 46 underground parking spaces and 18 surface spaces, fronting on Haviland Street, positioned behind the Sacred Hewart Home (13 Haviland Street) between the Queen Charlotte Armoury and Holland College. Access to the building is by a 7.62 m wide passage between the Sacred Heart Home and Holland College.

January 31, 2025

David Gundrum

Page 2 of 4

Reference: The Banks – Charlottetown, PE

Developers Vision

The Banks apartments is a luxury waterfront development overlooking the Charlottetown harbour planned for young professionals, mature families or aging citizens looking to live and work in the heart of Charlottetown, Prince Edward Island.

Located on the edge of the downtown core, this waterfront residential development offers unparalleled views and convenience. You are just steps away from the city's best restaurants, shops, and entertainment venues and whether you prefer a night out on the town or a quiet evening at home, everything you need is within easy reach. Imagine waking up to the sight of the sun rising over the water or enjoying a glass of wine on your private balcony while watching as the boats sail by.

This 7-storey waterfront development offers a luxurious and high-quality living experience with stunning waterfront views and top-notch finishes. If you are in search of the perfect blend of comfort, convenience, and sophistication, look no further than the Banks on Haviland Street.

Experience waterfront living at its finest

Design Review

- Zone WF – Waterfront
- Permitted use: Apartment Dwellings
- Inside the "500 Lot Zone", therefore heritage implications.
- Lot frontage meets bylaw requirements at 7.62 meters. Bylaw permits a minimum of 7.62 meters.
- Building height meets bylaw requirements at 21.54 meters. Bylaw permits a maximum of 24.5 meters.
- Front yard is 73.38 meters. Bylaw permits a maximum of 1.5 m. The configuration of the lot positioned behind the Sacred Heart Home with a long driveway makes this bylaw impossible to achieve.
- Left side yard meets bylaw requirements at 5.5 meters. Bylaw permits a maximum of 10 meters.
- Right side yard is 28 meters. Bylaw permits a maximum of 10 meters. The right side yard will contain the surface parking.
- Ground floor must be above 3.76 CGVD28.

January 31, 2025

David Gundrum

Page 3 of 4

Reference: The Banks – Charlottetown, PE

- **Recommendations**

- Permit the front yard variance from Bylaw's 1.5 meters to 73.38 meters because of lot configuration.
- Permit the right side yard variance from Bylaw's 10 meters to 28 meters to permit surface parking.

Grade Level: Height

- Adjacent buildings: 5 storey Sacred Heart Home and 2 storey Holland College.
- New building is set back approximately 38 meters from the Sacred heart Home and slightly down a hill.
- Ground floor is parking (3 m floor to floor) and the basement level protrudes above grade by 2 meters creating a ground floor of 5 meters. The ground floor become a thicker plinth which acknowledges its neighbors. The proportions are also consistent with the Sacred Heart building.
- **Recommendations**
 - N/A.

Upper Level: Cornice line and step-backs

- The roofline of the building has a simple pronounced cornice similar to the Sacred Heart Home.
- The 7th floor of the building has additional glazing which creates the impression of a step back to lower the scale of the building to respect the neighbours.
- **Recommendations**
 - N/A.

Proportion and rhythm

- The Sacred Heart Home has a regular façade rhythm with strong vertical expression.
- The new building is less regular however it does have strong vertical expression.
- Possibly one column of windows in the white portion on each façade of the building might want to have some of the panels between the upper and lower windows darker. This would group the windows in a vertical manner similar to its neighbour.
- **Recommendations**
 - Review window articulation in white section of building to create verticality.

January 31, 2025
David Gundrum
Page 4 of 4
Reference: The Banks – Charlottetown, PE

Façade articulation and materiality

- Neighbouring buildings have vinyl and metal windows.
- This new building offers a complementing contrasts approach to articulation.
- The building has large amounts of regularly positioned glazing broken by balconies.
- The building is finished in white and charcoal coloured pre-finished metal panels with wood look metal panel accents. The ground floor is finished with charcoal coloured masonry. The balance is effective and warm.
- The balcony articulation is very industrial with a steel I beam edge and thin HSS columns. The aesthetic of this metal when expose to the salt sea air will quickly deteriorate. While the thin elegance of these balconies is appropriate to this building, the finish might want to be changed.
- Heritage buildings almost always have a covered entrance. This building does not. It would heighten the focus of the entrance while being functional for weather.
- **Recommendations**
 - Review balcony structural finish
 - Review possibility of adding a front entrance canopy.

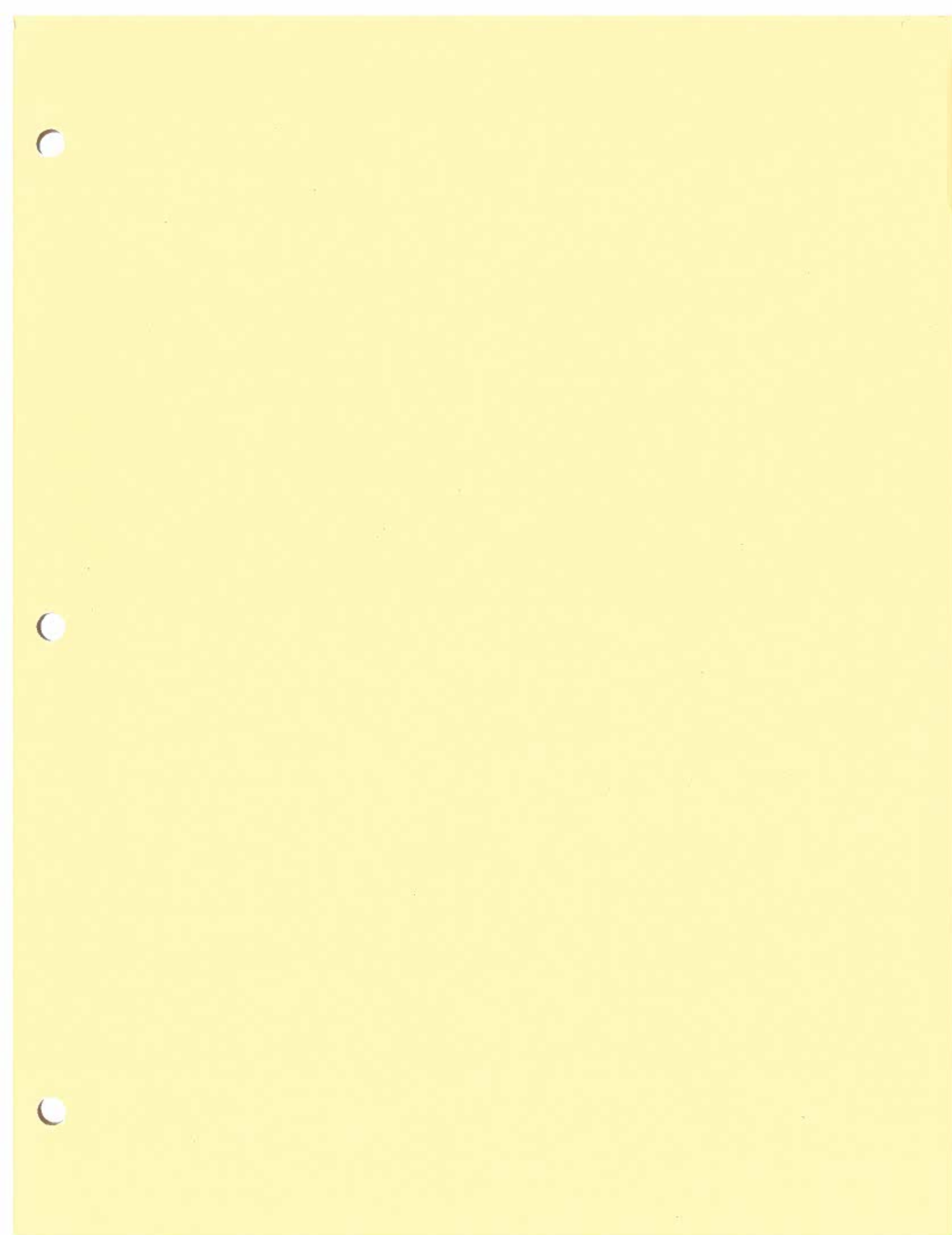
The overall design of The Banks project is generally of good quality and an appropriate in-fill project that warrants consideration. We present the above recommendation for consideration.

Regards,


Michel Gallant
Senior Architect

Attachment “D” – Location Map:





PLANNING AND HERITAGE: DESIGN REVIEW BOARD MINUTES
MONDAY, FEBRUARY 10TH, 2025, 4:30 P.M.
PARKDALE ROOM, 2ND FLOOR, CITY HALL
Live Streaming: www.charlottetown.ca/video

Present:

Mayor Phillip Brown
DM Alanna Jankov, Chair
Councillor Julie McCabe
Councillor Norman Beck

Aaron Stavert, RM
Jacqui Scaman, RM

Also:

Mike Ruus, Dir, Int. Growth
David Gundrum, MP&D

Jason Doucette, IO/AA**
***minute taker*

Also in attendance: **Cain Arsenault, APM**
(applicants)

Regrets:

Brian Gillis, RM
Mary Nicholson, RM

1. Report: Haviland Street (PID# 1100635)

David Douglas Gundrum, Manager, Planning & Development

This is a request to review an exterior design proposal for a seven (7) storey, waterfront multi-unit building having forty-nine (49) apartment units in the Waterfront (WF) Zone.

Summary:

Staff stated the request is for a 7-storey multi-unit residential building with 49 units on the subject property with combined with underground and surface level parking.

The property is a flag shaped lot located on the west side of Haviland Street and is within the Waterfront (WF) Zone and is currently vacant containing no buildings or structures.

As per Section 7.1 of the Zoning and Development Bylaw, new buildings within the 500 Lot Area are required to undergo the Design Review process to ensure that the architectural design maintains a high quality of design and are constructed with a consistent type and quality of materials.

As per Section 3.14.3 of the Zoning and Development Bylaw, the design package was forwarded to a Design Reviewer to conduct a review of the proposed development for conformity and provided recommendations with regard to building proportions and façade articulation and materiality.

The main recommendations are to review the window articulation in the white section of the building to create verticality and to review balcony finish, review possibility of adding a front entrance canopy.

The Design Reviewer summary statement was as follows:

"The overall design of The Banks project is generally of good quality and an appropriate in-fill project that warrants consideration. We present the above recommendation for consideration."

Applicant:

It was stated by the applicant that the developer is excited for the project and feels that this is a nicer project than was originally proposed. The building has been scaled back a little and has been turned so the broader side isn't facing the existing building on the abutting property to the east thereby allowing more light onto The Sacred Heart site. The Design Reviewers' notes have been followed by adding a canopy over the doors and the darker panels along the windows. The balconies will remain how they are as they will last just as well as any other material but the developer has amended the design to include the proposed canopy over the main entrance.

Discussion:

It was asked for clarification on the recommendation around the window articulation to create verticality and what that means. It was answered that there are some black panels added to create a vertical articulation which can also be found in the nearby Sacred Heart Home property.

It was asked what the width of the building going North to South. It was answered that it is 65 feet.

It was asked if it's going East/West and is its 7 stories. It was answered yes the broad side of the building is now turned compared to what it was originally and is now 7 stories and not 8 as the original design.

It was asked if there would be green space on the roof. It was answered that no that will now be at the ground level.

It was asked if the original design interfered with the boardwalk. It was answered that the original design had no issues but there is a possibility of that happening this time and there is approval in place from the Province.

It was noted that the top floor looks different and was asked if there were 7 units on that floor. It was answered that the upper floor the units have been reduced down to 5 premiere units and have added the glass to help scale it down a little.

It was asked if there was affordable housing units and if parking was all surface parking. It was answered that there would be all market rents and no affordable housing would be available and parking will be a combination of surface and underground.

It was stated that the current development is permitted under the Bylaw and can be approved through the Planning & Heritage Department and isn't a Council decision.

It was stated that it would be very prudent of the Developer to meet with some of the residents in the area to go over some of what is being proposed. It would be an opportunity for residents to find out more. It was answered that there was a meeting during the first phase of the project and heard some concerns, and hence this is why the building has been turned and the broad side is turned a little making the narrowest part of the building face their building now.

MOTION:

Moved by Councillor Beck and seconded by Councillor McCabe that the Planning & Heritage Department encourages that the Design Review Board approve the submitted building façade plans for the proposed apartment building (7 storyes, 49 units total) for the subject property identified as Haviland Street (PID# 1100635) in the Waterfront (WF) Zone in response to the Design Reviewer's recommendations.

**CARRIED
(5-0)**

END OF MEETING EXCERPT





Mailing: 233 Queen St, Tel: 902-629-4158
Charlottetown, PE, C1A 4B9 Fax: 902-629-4156
Email: planning@charlottetown.ca Website: www.charlottetown.ca

For Office Use Only

File #: 25-786 Zone: WF
Permit #: 214-BLD-25 Permit Fee: \$1000.00 cheque
PID #: 1100635 Received: 6/20/25

BUILDING & DEVELOPMENT PERMIT APPLICATION

1. TYPE OF WORK

☐ New Building ☐ Renovate Existing ☐ Addition ☐ Change Use ☒ Other: Site Mobilization

2. CONTACT INFORMATION

APPLICANT Name: APM Commercial (attn. Cain Arsenault) Address: P.O. Box 2859
Phone: (902)569-4000 Cell: Charlottetown
Email: carsenault@apm.ca Postal Code: C1A 8C4

OWNER Name: Pan American Properties (attn. Tim Banks) Address:
Phone: Cell: (902) 628-7313
Email: Postal Code:

CONTRACTOR, ARCHITECT, OR ENGINEER Name: APM MacLean (attn. Ian Harper) Address: P.O. Box 2859
Phone: (902)569-4000 Cell: Charlottetown
Email: iharper@apm.ca Postal Code: C1A 8C4

3. PROJECT INFORMATION

Project Location: Haviland Street (PID 335448)

Proposed Occupancy: Residential

Current Occupancy: Vacant Land
(If Existing Building on Lot)

Estimated Value of Construction: \$ N/A

Corner Lot: Yes: ☐ No: ☒ Other Buildings on Lot? Yes: ☐ No: ☒ If yes, identify use:

If Building/Addition is under 20m², will the Grades be changing? Yes: ☐ No: ☐ Not Applicable: ☐

4. DETAILED PROJECT DESCRIPTION

Site mobilization and construction hoarding for new apartment building

THIS IS AN APPLICATION ONLY

Page 1 of 2

See Reverse for Additional Information

5. DECLARATION & SIGNATURE

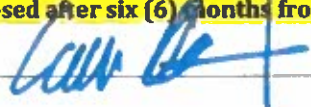
I DO SOLEMNLY DECLARE & CERTIFY:

- 1) That I am the Authorized Agent of the Owner/the Owner named in the Application for a permit hereto attached.
- 2) That the statements contained in this Application are true and complete, and are made with full knowledge of the circumstances connected with this Application.
- 3) That the plans and specifications submitted with this Application are prepared for the construction or alteration for the building or buildings described, and the building or development will be constructed or carried out in accordance with the plans and specifications as submitted.
- 4) That to the best of my knowledge, information and belief, the plot plans submitted correctly set out the dimensions and the area of the lands described in the Application, and the relation of the location of the proposed building to the street and property line.
- 5) That I know of no reason why the permit should not be granted in pursuance of the Application, and I make this declaration conscientiously believing it to be true.
- 6) Provided that the City, its officers, agents and/or employees are acting in good faith in the administration of the City's Bylaws, I waive all rights or action against the City of Charlottetown and/or its officers, agents, or employees in respect of any damages which may be caused through the operation of any provision(s) in any of the Bylaws or for the refusal of a permit or for any cause or irregularity or nonconformity with the Bylaws or regulations adopted by the City of Charlottetown.
- 7) I assume responsibility for damage to any City property including: sidewalks, curbs, gutters, etc. and I irrevocably agree to bear the cost of remediation repair or replacement of any City property damaged by myself or by any contractors, agents or employees working on the property which is the subject of this Application to the complete satisfaction of the City of Charlottetown.
- 8) I acknowledge that I am aware of any relevant incentive programs offered by the City and that Applications for such programs are to accompany a Building Permit Application.
- 9) The City of Charlottetown reserves the right to determine the applicable estimated construction cost of all types of building or development. See Section 6 below.
- 10) I agree to comply with all laws of Canada, Province of Prince Edward Island, pertaining to the construction/and use of the development applied for herein.

Further, I realize that the payment of monies for this application does not constitute approval of a permit nor approval to commence any part of the work applied for.

I acknowledge, that failure to provide sufficient information and documentation as requested by the Planning & Heritage Department, will result in this Building & Development Permit application being considered "Null and Void" and the file will be closed after six (6) months from the date of this application.

SIGNATURE OF APPLICANT:



DATE: June 12, 2025

Please indicate how you would like to receive the approved permit: ☐ Post ☒ Email ☐ Pick-Up at Planning Dept.

6. DETERMINING BUILDING PERMIT FEE BASED UPON ESTIMATED COST OF CONSTRUCTION

- 1) Permit Fees are based upon project valuation on the determined valuation of a project.
- 2) Valuation means the estimated total cost of building construction, including all electric, mechanical, plumbing and permanently fixed equipment. It is not meant to determine the market value of the structure.
- 3) Values provided by the applicant that appear to be significantly lower or higher than experience has shown with similar projects will be determined by researching recent similar permits or commercial valuation tools to determine an approximate average square foot value of the work.
- 4) Total valuation includes design fees, but does not include land price.

THIS IS AN APPLICATION ONLY

Page 2 of 2

See Reverse for Additional Information

CITY OF CHARLOTTETOWN

RECEIPT

CITY OF CHARLOTTETOWN
Planning & Heritage
70 Kent Street
Charlottetown, PE C1A 1M9

Receipt Number: 25-00668

Associated Location: 15 Haviland St

Payment Date: 6/20/2025

Payment Amount: \$100.00

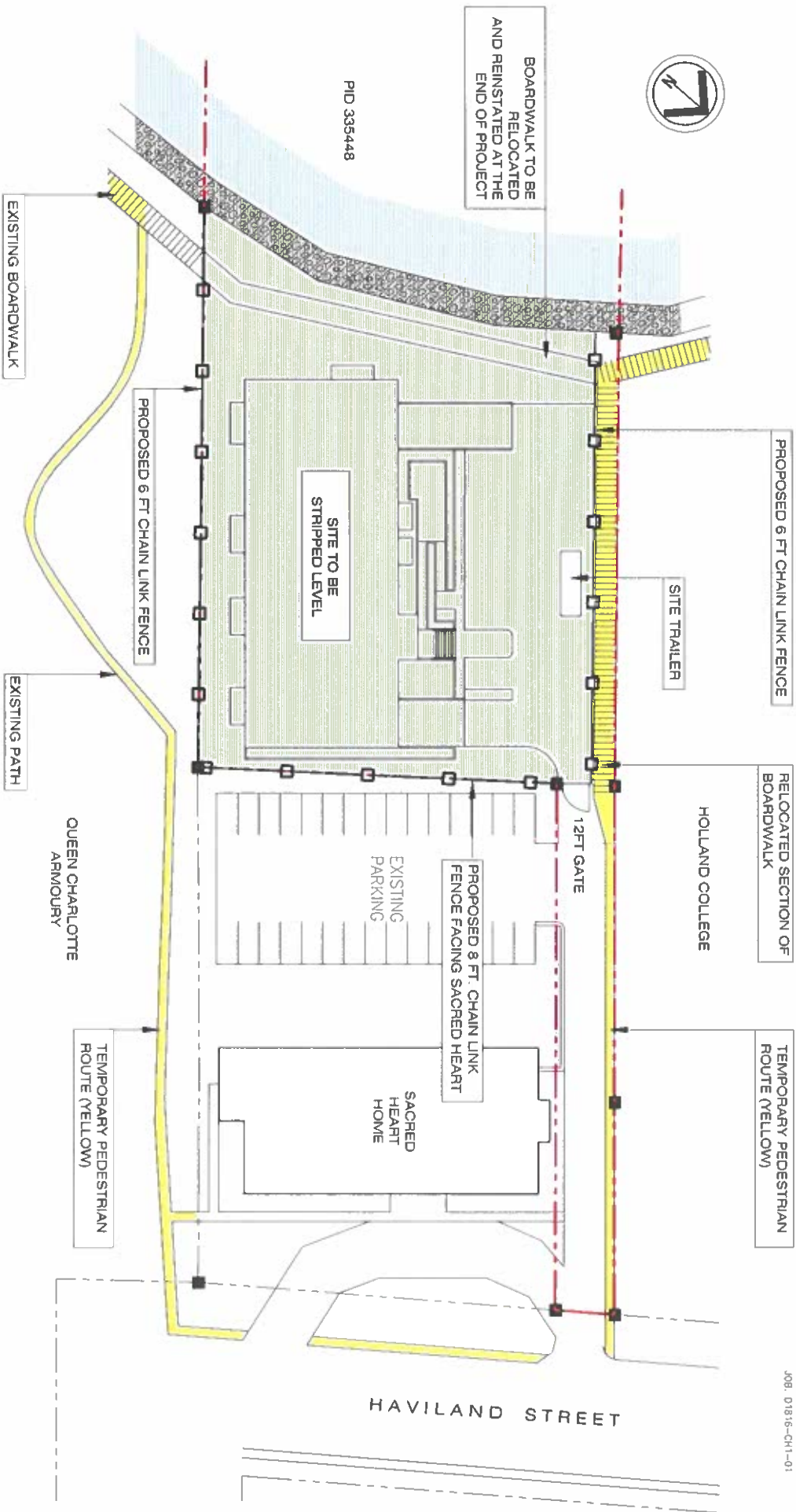
Payment Method: Cheque #9991

Payer Name: Pan American Properties Inc

Payer Address: PO Box 2859, Charlottetown, PE C1A 8C4

Cashier Name: Melissa Kitson

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 214-BLD-25 (BLD-MUR)	Commercial Building Phase I	010-6100-41005-0000	\$100.00
Total Amount			\$100.00
Total Amount Paid			\$100.00



SCALE - 1"=40'-0"

SITE MOBILIZATION & HOARDING PLAN - CH-1

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Jones, Shane

From: City Planning
Sent: July 16, 2025 3:55 PM
To: carsenault@apm.ca; Kitson, Melissa; Gundrum, David; Jones, Shane
Subject: Your permit has been Issued - 15 Haviland St - 214-BLD-25
Attachments: Development Only.pdf

RE: Permit 214-BLD-25 New Construction at 15 Haviland St

Your permit has been Issued - 15 Haviland St - 214-BLD-25

Dear Pan American Properties Inc,

Your permit number 214-BLD-25 has been issued and is attached. Please review the permit and ensure all requirements are adhered to.

Sincerely,

Shane Jones
Chief Building Official
(902) 629-4158
sjones@charlottetown.ca
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9

This automated message was sent by the Charlottetown [Land Management Software System](#). Please do not reply directly to this email.

Planning Department • 70 Kent Street, Charlottetown, PE, Canada, C1A 1M9 • Off: 902-629-4158 • Fax: 902-629-4156 • Planning@charlottetown.ca

Permit #	214-BLD-25
File #	25-786
PID #	
Zone	

Mailing Address P.O. Box 98, 70 Kent Street, Charlottetown, PE, C1A 1M9
Contact information Phone 902-629-4158 | Fax 902-629-4156 | planning@charlottetown.ca | www.charlottetown.ca

DEVELOPMENT PERMIT

POST THIS IN A CONSPICUOUS LOCATION DURING CONSTRUCTION

This document certifies that **Pan American Properties Inc** of **PO Box 2859, Charlottetown, PE C1A 8C4** has a Permit to **Site Mobilization and Construction Hoarding for New Apartment Building** at the location of **15 Haviland St.**

Approved Plans Information

Drawing No.:	Prepared by:	Submittal Date:

Provided that the person accepting this permit shall in every respect conform to the City of Charlottetown Zoning & Development Bylaw, The Building Code Bylaw, and any other provisions set by the City of Charlottetown.

Any violation of the terms or conditions listed below may be deemed cause for revocation of this permit.

	Division	Condition
1.	Zoning & Development	The developer is responsible to repair any damaged sidewalk or asphalt caused by the demolition to the satisfaction of the Public Work Manager.
2.	Zoning & Development	All debris and dirt shall be removed from the Public Right-of-Way prior to the completion of site mobilization and site preparation work. Any materials from the site to be hauled and disposed of must be brought to a Provincially approved site.
3.	Zoning & Development	The Permit for site mobilization work shall be valid for sixty (60) calendar days.
4.	Zoning & Development	The proposed site trailer shall be located on the subject property as per the Site Plan prepared by APM and date June 12, 2025.
5.	Zoning & Development	The developer is to ensure that all surface water runoff associated with the mobilization and site preparation work shall not impact adjacent or abutting properties and shall drain on-site or to the nearest point of reception for the municipal storm system.
6.	Zoning & Development	All drainage and flow of water is directed to either the natural watercourse or to Haviland Street. Flows cannot be directed to any adjacent or abutting properties.

Approved By

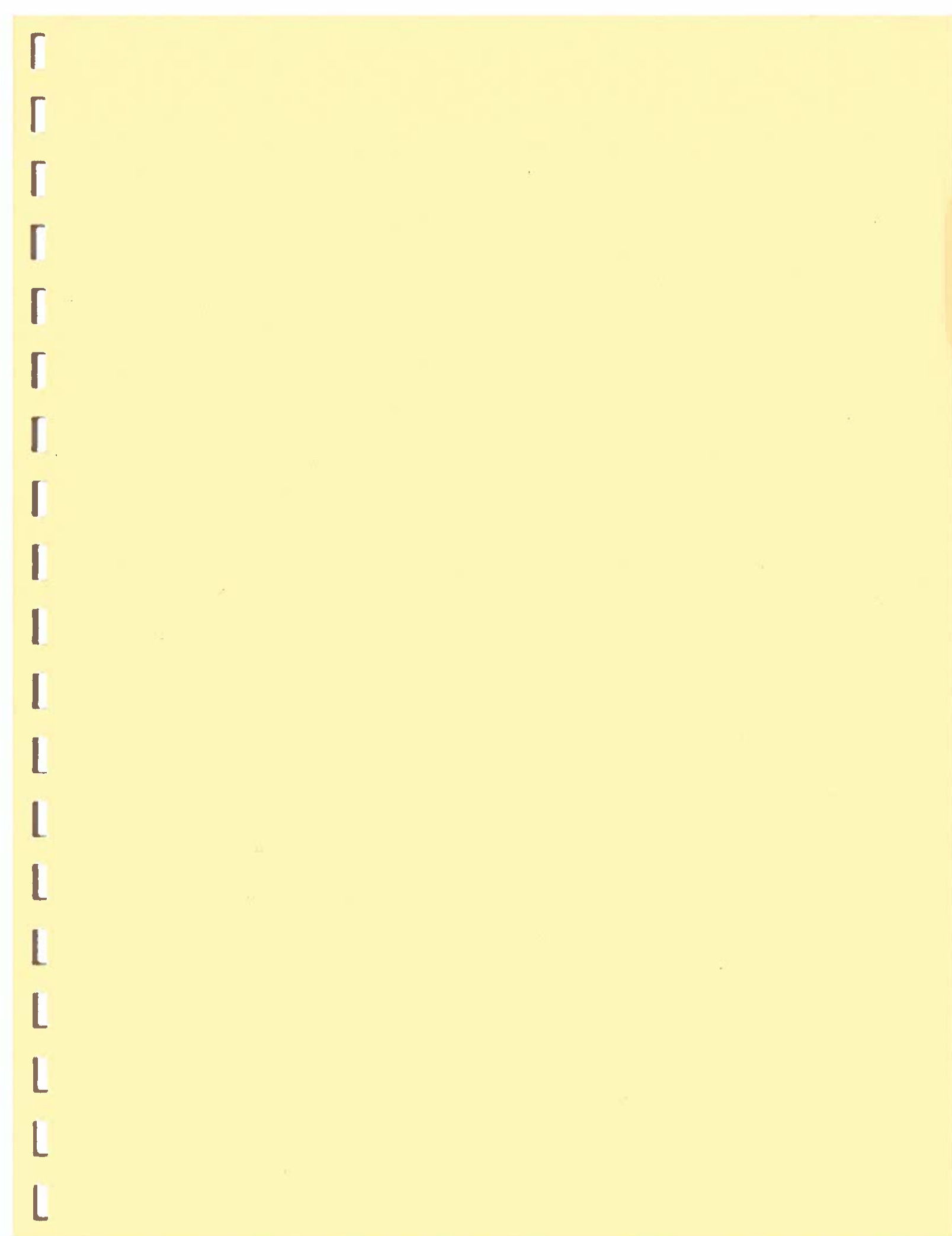
Development Officer: David Gundrum

Date: 2025-07-15



Name Signature

THIS IS NOT AN "OCCUPANCY PERMIT"





Planning & Heritage Summary (Week ending July 18th, 2025)

ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information on this page is intended to provide notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Department and/or decisions are rendered by the Prince Edward Island Planning Act. The deadlines to make an appeal are listed for each application below as per the requirements of the Planning Act.

If you have any questions regarding the approvals listed below, please contact the Planning and Heritage Department at 902-629-4158

Planning Development Permit Approvals

FILE#	PID	PERMIT#	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-358	343970	074-BLD-25	19-Mar-25	18-Jul-25	APPROVED	39 All Souls Ln	Renovation for the Addition of an Elevator	Charlotte Residence	8-Aug-25
25-672	862680	167-BLD-25	23-May-25	16-Jul-25	APPROVED	1 Browns Ct A	Interior Renovation	Sam Skauge	6-Aug-25
25-786	1100635	214-BLD-25	20-Jun-25	15-Jul-25	APPROVED	15 Haviland St	Site Mobilization and Construction Hoarding for New Apartment Building	Pan American Properties Inc	5-Aug-25
25-771	338962	212-STR-25	27-Jun-25	14-Jul-25	APPROVED	4 Richmond St	Tourist Home: Short Term Rental	Lawrenceville Investments 2017 Inc	4-Aug-25

Lot Subdivisions

FILE#	PID	CASE#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-779	746156	005-LC-25	25-Jun-25	14-Jul-25	Approved	231 Westridge Cres	Lot Consolidation (Lot 2024-1)	Monika Somogyi	4-Aug-25
25-781	1114537	033-LS-25	9-Jul-25	18-Jul-25	Approved	44-46 Gilbert Drive	Lot Subdivision (Lots 43-A & 43-B)	Ching Yi Lam	8-Aug-25
25-810	1061944	034-LS-25	15-Jul-25	18-Jul-25	Approved	31 Parkman Drive	Lot subdivision (Lot 12-57)	Jorge Hernandez	8-Aug-25

Council Approvals

[illegible]



Planning & Heritage Summary (Week ending September 12th, 2025)

ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information on this page is intended to provide notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Department and/or decisions are rendered by Charlottetown City Council as governed by the Prince Edward Island Planning Act. The deadlines to make an appeal are listed for each application below as per the requirements of the Planning Act.

If you have any questions regarding the approvals listed below, please contact the Planning and Heritage Department at 902-629-4158.

Planning Development Permit Approvals

FILE#	PID	PERMIT#	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
24-375	1141142	075-BLD-24	21-Mar-24	9-Sep-25	APPROVED	8-10-12-14 Cordial St	Occupancy Permit: New Townhouse Dwellings	Golden HM Trading Co.	30-Sep-25
24-841	193284	232-BLD-24	21-Jun-24	12-Sep-25	APPROVED	19 Emily Dr (Lot 172B1)	Occupancy Permit: Construction of a Single Detached Dwelling	Hoffmann & Curran Builders Inc	3-Oct-25
24-842	193284	233-BLD-24	21-Jun-24	12-Sep-25	APPROVED	21 Emily Dr (Lot 172B2)	Occupancy Permit: Construction of a Single Detached Dwelling	Hoffmann & Curran Builders Inc	3-Oct-25
25-19	452359	011-BLD-25	9-Jan-25	8-Sep-25	APPROVED	14 Garfield St	Tenant Fit up Office/Warehouse	Thane Hansen	29-Sep-25
25-69	1173186	025-BLD-25	29-Jan-25	8-Sep-25	APPROVED	46-48 Airfield Crt (Lot 15)	Occupancy Permit: Semi Detached Dwelling with without Basement	George Zafiris	29-Sep-25
25-253	1047562	047-BLD-25	7-Mar-25	9-Sep-25	APPROVED	116 Stanmol Dr	Occupancy Permit: Construction of a Single Detached Dwelling with Secondary Suite	Paul Llewellyn	30-Sep-25
25-650	394585	159-BLD-25	30-Apr-25	8-Sep-25	APPROVED	15 Fairview Dr	Occupancy Permit: 20' x 20' Addition with ICF Foundation	Smith Fine Craft Ltd	29-Sep-25
25-691	825398	182-BLD-25	30-May-25	12-Sep-25	APPROVED	34 Liberty Cres	Addition of a secondary suite above existing garage	Christopher Doucette & Marley Giddings	3-Oct-25
25-716	577585	197-BLD-25	24-Jun-25	11-Sep-25	APPROVED	219 Minna Jane Dr	Phase II: Construction of a 60-Unit Residential Dwelling	McInnis Group (1993) LTD	2-Oct-25
25-792	1145549	220-BLD-25	21-Jul-25	9-Sep-25	APPROVED	142-144 Oak Dr	Placement of a Semi-Detached Dwelling	John Patrick (Jp) Robison	30-Sep-25
25-831	134114	240-BLD-25	16-Jul-25	10-Sep-25	APPROVED	11 Aviation Ave	To Upgrade Capacity and Capabilities of Existing Outdoor Aqueous Waste Treatment System and to Move System indoors to New Waste Treatment Building	MCA Consultants Inc.	1-Oct-25
25-840	404731	249-BLD-25	18-Jul-25	9-Sep-25	APPROVED	155 Capital Dr	Fit-up for new Root Cellar retail space and second floor offices	APM Commercial	30-Sep-25
25-857	363382	254-BLD-25	24-Jul-25	12-Sep-25	APPROVED	69 Longworth Ave	Construction of a 12' x 16' Deck	Marley Gallant	3-Oct-25
25-861	1183136	257-BLD-25	25-Jul-25	8-Sep-25	APPROVED	99 Friar Dr	Construction of a 12' x 16' Deck	Stacey L MacKinnon	29-Sep-25



FILE#	PID	PERMIT#	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-886	388579	275-BLD-25	8-Aug-25	8-Sep-25	APPROVED	53-55 Airfield Crt (Lot 21-12)	Construction of a semi-detached dwelling	George Zafiris	29-Sep-25
25-895	1145549	018-DEM-25	13-Aug-25	5-Sep-25	APPROVED	142-144 Oak Dr	To relocate structure from 332 South Dr. Summerside, PE to 142-144 Oak Dr. Charlottetown, PE	PD Construction Ltd	26-Sep-25
25-912	742833	002-HOC-25	22-Aug-25	9-Sep-25	APPROVED	2 England Cir	Home Based business for preparing and selling non-alcoholic beverages and food at local markets.	Feng Liu	30-Sep-25
25-932	1100528	282-BLD-25	20-Aug-25	12-Sep-24	APPROVED	15 Norman Dr (Lot 235)	Construction of a Single Detached Dwelling	Josh Livingston	3-Oct-24
25-947	1161082	292-BLD-25	8-Sep-25	9-Sep-25	APPROVED	30 Kindred Ave	Construction of a 10' x 12' Shed	Joby Varghese Kootungal & Hilda Sebastian	30-Sep-25

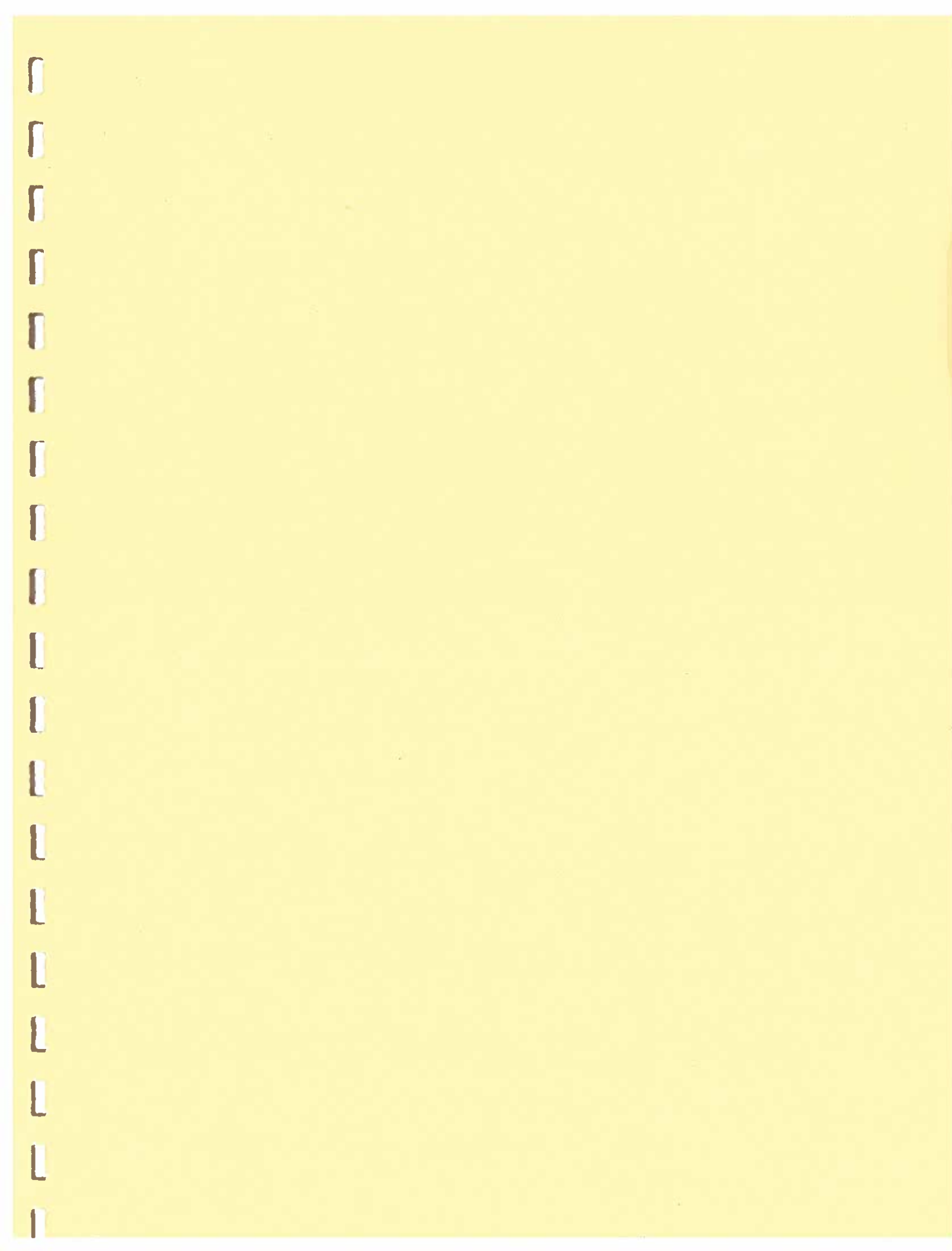
Lot Subdivisions

FILE#	PID	CASE#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-945	1184241	044-LS-25	5-Sep-25	5-Sep-25	Approved	63-65 Essex Cres	Lot Subdivision (Lots 533D-A & 533D-B)	Matthew McQuaid	26-Sep-25

Council Approvals

FILE#	PID	PERMIT#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-770	352617	012-MJV-25	8-Jul-2025	9-Sep-25	Approved	300 Fitzroy St	That the following Major Variance for the subject property identified as 300 Fitzroy Street (PID# 352617) be approved: - Permit the establishment of a detached Accessory Dwelling Unit (ADU Garden Suite) on the subject property having a lot area being less than 0.5 acres (0.2 hectares) in size; and - Allow for the establishment of three (3) accessory buildings on a lot being less than 0.5 acres (0.2 hectares) in size; and - Increase the total combined allowable area of all accessory buildings to be 80.81 square metres. That the following rezoning request for the property identified as 66 McGill Avenue (PID# 355073) be permitted proceed to public consultation: - To rezone the subject property from the Single Detached Residential (R-1S) Zone to the Medium Density Residential Townhouse (R-3T) Zone in	Rochelle Visser	30-Sep-2025
25-773	355073	006-RZN-25	4-Jul-2025	9-Sep-25	Approved to Proceed to Public Consultation	66 McGill Ave	That the following rezoning request for the property identified as 66 McGill Avenue (PID# 355073) be permitted proceed to public consultation: To rezone the subject property from the Single Detached Residential (R-1S) Zone to the Medium Density Residential Townhouse (R-3T) Zone in	SableArc Studios	30-Sep-2025

25-888	363515	002-RZOP-25	8-Aug-25	9-Sep-25	Approved to Proceed to Public Consultation	Birchwood St (PID# 363515)	order to permit up to three (3) units within a converted dwelling. That the following rezoning request for the unaddressed subject property on Birchwood Street identified as PID# 363515 be permitted to proceed to public consultation: 1) To rezone the subject property from the Low Density Residential (R-2S) Zone to the Institutional (I) Zone to facilitate a lot consolidation with abutting property identified as 49 Longworth Avenue (PID# 363341) and allow for future establishment of an accessory building (school portable) to an existing school. That the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property located on Haviland Street (PID# 1100635) concerning construction mobilization on the subject property be denied to continue through the reconsideration process.	Government of Prince Edward Island	30-Sep-2025
NA	1100635	NA	NA	9-Sep-25	Denied	15 Haviland St	City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property located on Haviland Street (PID# 1100635) concerning construction mobilization on the subject property be denied to continue through the reconsideration process.	Pan American Properties Inc	30-Sep-2025
25-547	778308	004-RZN-25	5-May-25	9-Sep-25	Passed Second Reading. Awaiting Ministerial Approval.	16, 17, 28 and 29 on Evelyn Street and Violet Cir	To adopt Bylaw PH-ZD-2-101, A Bylaw to amend the Zoning & Development Bylaw, "To amend Appendix G – Zoning Map of the Zoning & Development Bylaw from the Low Density Residential Single (R-2S) Zone to the Medium Density Residential (R-3) Zone for the four (4) lots identified as Lots 16, 17, 28 and 29 on Violet Circle and Evelyn Street (PID# 778308)."	Falcon Homes PEI	30-Sep-2025



Catane, Ellen

From: Dale Thompson <DETHOMPSON@gov.pe.ca>
Sent: August 1, 2025 7:54 AM
To: Gundrum, David
Cc: Hannah Jenkins; Greg Wilson
Subject: RE: Site Mobilization and Hoarding Plan
Attachments: Buffer Zone Map 1100635.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morning David,

Staff marked the buffer zone yesterday with 6 survey stakes (as per the attached map) using the correct measurement from the top of bank. As discussed, the drawing included in the Development Agreement shows a measurement taken from the “high water mark” (which is not correct) and appears to have a portion of the proposed development located within the 15 m buffer. Note that there is still a prohibition on new development in a buffer zone and that any site work within the buffer zone requires a Buffer Zone Activity Permit. Also as discussed, we will provide additional comments upon receipt of the Foundation Plan from the City. To ensure compliance with applicable provincial legislation, no additional approvals should be granted by the City until the Department has had a chance to review and provide comments on any subsequent application.

Regards,

Dale Thompson
Environmental Assessment Officer
PEI Department of Environment, Energy and Climate Action
(902)368-5049

From: Dale Thompson
Sent: Wednesday, July 30, 2025 2:52 PM
To: Gundrum, David <dgundrum@charlottetown.ca>
Subject: RE: Site Mobilization and Hoarding Plan

Hi David,
Thank you for confirming,
Dale

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: Wednesday, July 30, 2025 2:41 PM
To: Dale Thompson <DETHOMPSON@gov.pe.ca>
Subject: RE: Site Mobilization and Hoarding Plan

Hi Dale,

To confirm, the Permit was issued for “Site Mobilization and Construction Hoarding” work only and nothing beyond that.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Dale Thompson <DETHOMPSON@gov.pe.ca>
Sent: Wednesday, July 30, 2025 1:27 PM
To: Gundrum, David <dgundrum@charlottetown.ca>
Subject: Site Mobilization and Hoarding Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,
Thank you for the discussion today and we look forward to receiving the foundation plan for review and comment. The Site Mobilization and Hoarding Plan (attached) shows the area of the "SITE TO BE STRIPPED LEVEL" – will that take place as part of this plan?
Tks, Dale

Dale Thompson
Environmental Assessment Officer
PEI Department of Environment, Energy and Climate Action
(902)368-5049



Catane, Ellen

From: Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>
Sent: September 19, 2025 2:30 PM
To: Louise Aalders; McKenna, Melanie (Charlottetown)
Cc: Planning Department; carsenault@apm.ca; kcampbell@coxandpalmer.com; mhughes@coxandpalmer.com; Catane, Ellen; 'tbanks@apm.ca'; Gundrum, David; Jessica Gillis; Philip Rafuse
Subject: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

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Good afternoon,

I understand that the reconsideration process with respect to this matter has completed and that the Appellant has asked that the matter be taken out of abeyance.

We would ask the City of Charlottetown to file the Record and written response to the Notice of Appeal not later than October 10, 2025.

M.



Michelle Walsh-Doucette (she/her)

Commission Clerk

D. 902.368.7856

irac.pe.ca/about/contact/

From: Jessica Gillis <jgillis@irac.pe.ca>
Sent: Wednesday, August 6, 2025 12:23 PM
To: 'Gundrum, David' <dgundrum@charlottetown.ca>; Louise Aalders <aalderslouise@gmail.com>
Cc: Kerri Dowling <kdowling@irac.pe.ca>; Planning Department <planning@charlottetown.ca>; carsenault@apm.ca; kcampbell@coxandpalmer.com; mhughes@coxandpalmer.com; Catane, Ellen <ecatane@charlottetown.ca>; Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>; 'tbanks@apm.ca' <tbanks@apm.ca>
Subject: RE: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

Good afternoon, all.

Thank you for the clarification. The Commission agrees to holding the appeal in abeyance pending a decision on the reconsideration request.

Thank you,

Jessica



Jessica M. Gillis (she/her)
General Counsel
D. 902.368.7860
irac.pe.ca/about/contact/

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: Wednesday, August 6, 2025 12:16 PM
To: Louise Aalders <aalderslouise@gmail.com>
Cc: Kerri Dowling <kdowling@irac.pe.ca>; Planning Department <planning@charlottetown.ca>; carsenault@apm.ca; kcampbell@coxandpalmer.com; mhughes@coxandpalmer.com; Jessica Gillis <jgillis@irac.pe.ca>; Catane, Ellen <ecatane@charlottetown.ca>; Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>
Subject: RE: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

Hi Louise,

The City will await further direction from IRAC on the appeal as needed as we are not in control of that process but if that is the desire as stated on the notice then we will wait for IRAC to confirm.

In the meantime, we will move forward with processing the Reconsideration request under the City's Zoning & Development Bylaw and anticipate bringing an initial report on the matter to Planning Board at their next meeting on Tuesday, September 2nd.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Louise Aalders <aalderslouise@gmail.com>
Sent: Wednesday, August 6, 2025 12:14 PM
To: Gundrum, David <dgundrum@charlottetown.ca>
Cc: Kerri Dowling <kdowling@irac.pe.ca>; Planning Department <planning@charlottetown.ca>; carsenault@apm.ca; kcampbell@coxandpalmer.com; mhughes@coxandpalmer.com; Jessica Gillis <jgillis@irac.pe.ca>; Catane, Ellen

<ecatane@charlottetown.ca>; Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>

Subject: Re: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

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Good afternoon,

I stated on the notice of appeal that it was TO BE HELD IN ABEYANCE until a decision is reached by the City on a Reconsideration Request.

Please clarify.

Thank you

Louise Aalders

On Wed, Aug 6, 2025 at 10:49 AM Gundrum, David <dgundrum@charlottetown.ca> wrote:

Thank you Kerri, confirming as received by City Planning.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

Planning & Heritage Department

[70 Kent Street](#)

[Charlottetown, Prince Edward Island](#)

[Canada, C1A 1M9](#)

Cell: 902-393-5467

dgundrum@charlottetown.ca

www.charlottetown.ca



From: Kerri Dowling <kdowling@irac.pe.ca>
Sent: Wednesday, August 6, 2025 10:46 AM
To: 'aalderslouis@gmail.com' <aalderslouis@gmail.com>; Planning Department <planning@charlottetown.ca>; 'carsenault@apm.ca' <carsenault@apm.ca>
Cc: 'kcampbell@coxandpalmer.com' <kcampbell@coxandpalmer.com>; 'mhughes@coxandpalmer.com' <mhughes@coxandpalmer.com>; Jessica Gillis <jgillis@irac.pe.ca>; Gundrum, David <dgundrum@charlottetown.ca>; Catane, Ellen <ecatane@charlottetown.ca>; Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>
Subject: RE: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

Some people who received this message don't often get email from kdowling@irac.pe.ca. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached the Notice of Appeal documents. I inadvertently forgot to attach them in the first email.

Thank you.



Kerri Dowling

Executive Assistant

The Island Regulatory and Appeals Commission

P: (902) 368-7843

F: (902) 566-4076

E: kdowling@irac.pe.ca

www.irac.pe.ca

From: Kerri Dowling

Sent: Wednesday, August 6, 2025 10:27 AM

To: 'aalderslouise@gmail.com' <aalderslouise@gmail.com>; 'Planning Department' <planning@charlottetown.ca>; 'carsenault@apm.ca' <carsenault@apm.ca>

Cc: 'kcampbell@coxandpalmer.com' <kcampbell@coxandpalmer.com>; 'mhughes@coxandpalmer.com' <mhughes@coxandpalmer.com>; Jessica Gillis <jgillis@irac.pe.ca>; Gundrum, David <dgundrum@charlottetown.ca>; Catane, Ellen <ecatane@charlottetown.ca>; Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>

Subject: Planning Appeal - LA25011 - Aalders v. City of Charlottetown

Good morning,

Please find attached a letter to parties for the appeal filed with the Commission on August 5, 2025.

Thank you.



Kerri Dowling

Executive Assistant

The Island Regulatory and Appeals Commission

P: (902) 368-7843

F: (902) 566-4076

E: kdowling@irac.pe.ca

www.irac.pe.ca

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LA25011

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)



TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the *Planning Act* or the Municipal Council of Charlottetown (name of City, Town or Community) on the 15 day of July, 2025, wherein the Minister/Community Council made a decision to Issue a Development Permit (#214-BLD-25) For Site Mobilization and Construction Hoarding for new Apartment Building located at 15 Haviland St. (attach a copy of the decision)

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)
TO BE HEED IN ABEYANCE until a decision is reached by the City on a Reconsideration Request for this matter submitted August 5, 2025. The City failed to follow the process set out in its bylaws including the duty of procedural fairness and failed to make a decision in accordance with sound planning principles. (For details, see attached). Such further and other grounds that may be revealed upon examination of the City Record once provided.
AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)

The Appellant requests that the Commission allow this appeal and quash the Issuance of the Development Permit (#214-BLD-25) for Site Mobilization and Construction Hoarding.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): L. AALDERS
Please Print

Signature(s) of Appellant(s): L. Aalders

Mailing Address: B2-13 Haviland St.
Province: PEI

City/Town: Charlottetown

Postal Code: C1A 3S7

Email Address: aalders.louise@gmail.com

Telephone: 902-393-6574

Dated this 5 day of August, 2025.
day month year

IMPORTANT

Under Section 28.(6) of the *Planning Act*, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the *Planning Act* and will be used by the Commission in processing this appeal. For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

Appeal L. Aalders - Supplemental

With regard to Development Permit for Site Mobilization and Construction Hoarding (214-BLD-25) approved on July 15, 2025 by the City of Charlottetown.

In accordance with the provisions of Section 28.(5) of the Planning Act, the grounds of the Appeal are as follows:

- The proposed Development poses a potential hazard to area citizens and visitors to our boardwalk and aquatic life, per Sections 3.3.9 (d) and 3.3.9 (e) of the Zoning and Development Bylaw.
- The permit does not conform to 3.3.9 (a) as the proposed development does not conform to Sections 34.3.3, 34.3.4, 34.3.7, 46.11.4 and 46.11.7 of the Zoning and Development Bylaw.

CHARLOTTETOWN
 Planning & Heritage Department

Permit #	214-BL-25
File #	24-786
PID #	
Zone	

Mailing Address: P.O. Box 98, 70 Kent Street, Charlottetown, PE, C1A 1K6
 Contact Information: Phone 902-839-2158 / Fax 902-832-1150

DEVELOPMENT PERMIT

POST THIS IN A CONSPICUOUS LOCATION DURING CONSTRUCTION

This document certifies that Pan-American Properties Inc., P.O. Box 2854, Charlottetown, PE, C1A 8C4
 has a permit to Site Mobilization and Construction Hearing for New Apartment Building
 at the location of 15 Haviland St.

Approved Plans Information

Drawing No.	Prepared By	Submitted Date

Notwithstanding to whomsoever, the person who is responsible for the work is the City of Charlottetown, Department of Planning, the Building Code Officer, or the person who is responsible for the work.

Any violation of the terms and conditions indicated on this permit shall be deemed cause for revocation of this permit.

Item	Condition
1. Zoning & Development	The developer is responsible for paying for all required permits and fees.
2. Zoning & Development	All work must be completed within the time frame specified in the permit.
3. Zoning & Development	The developer must maintain access to the public right-of-way at all times.
4. Zoning & Development	The developer must maintain the site in a safe and secure condition at all times.
5. Zoning & Development	The developer must maintain the site in a safe and secure condition at all times.
6. Zoning & Development	The developer must maintain the site in a safe and secure condition at all times.

Development
 Officer

Development
 Officer

Approved By

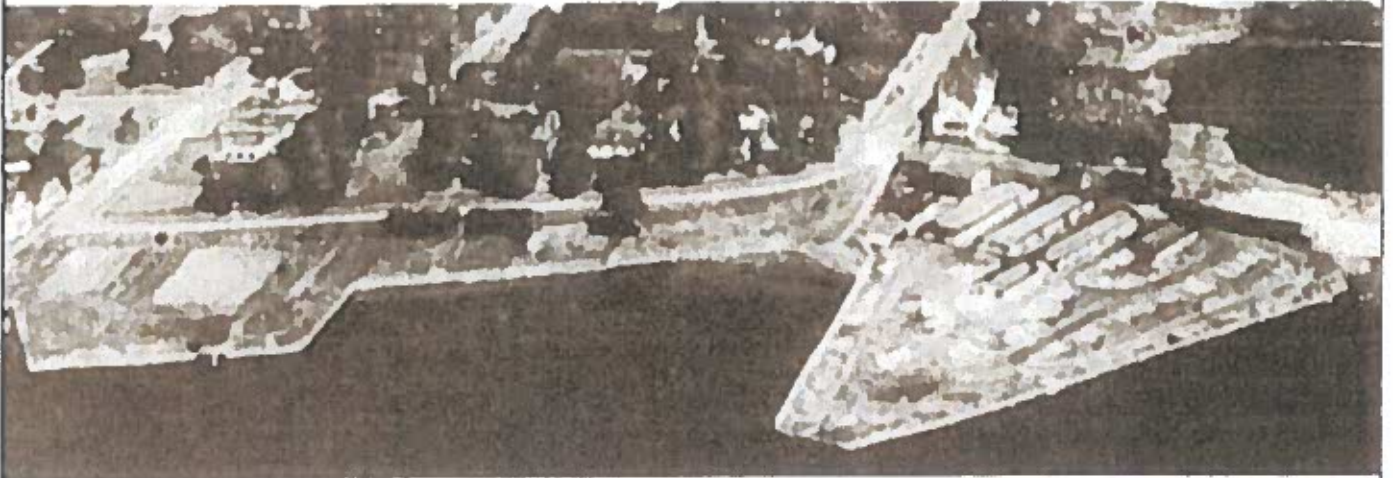
City Manager

Name

Signature

THIS IS NOT AN "OCCUPANCY PERMIT"

1952



Water Street curves into Dundas Esplanade and there is an extension to the shore. The Connolly Wharves seen in the 1917 maps have been filled in (barrack buildings on the site?)

~1968



New Nurse's Residence for the Catholic Hospital is in left foreground with rest of hospital buildings behind. Sacred Heart Home has been built (centre) and Armoury building is in place. Dundas Esplanade is gone. The waterfront between the Nurse's Residence and old wharves has been filled in.



Ap...



Permit Ap...



Permit Ap...



Permit Ap...



www.charl...

Planning & Heritage Summary (Week ending July 18th, 2025)**MUNICIPAL APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION**

Notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Commission as governed by the Prince Edward Island Planning Act. The deadlines to make an appeal are listed for each permit.

For more information below, please contact the Planning and Heritage Department at 902-620-4158.

DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	OWNER	APPEAL DEADLINE
18-Jul-25	APPROVED	39 All Souls Ln	Renovation for the Addition of an Elevator	Charlotte Residence	8-Aug-25
16-Jul-25	APPROVED	1 Browns Ct A	Interior Renovation	Sam Skeuge	6-Aug-25
15-Jul-25	APPROVED	15 Haviland St	Site Mobilization and Construction Hoarding for New Apartment Building	Pan American Properties Inc	5-Aug-25
14-Jul-25	APPROVED	4 Richmond St	Tourist Home: Short Term Rental	Lawrenceville Investments 2017 Inc	4-Aug-25

Planning & Heritage Summary (Week ending July 18th, 2025)

MUNICIPAL APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

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PRINCE EDWARD ISLAND
Regulatory & Appeals Commission
Commission de réglementation et d'appels
ÎLE-DU-PRINCE-ÉDOUARD

August 6, 2025

VIA EMAIL

aalderslouis@gmail.com
Louise Alders
B2-13 Haviland Street
Charlottetown, PE C1A 3S7

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APM Commercial
21 John Yeo Dr, Unit 2
Charlottetown, PE C1E 3J3
Developer

planning@charlottetown.ca
City of Charlottetown
Planning and Heritage Department
70 Kent Street
Charlottetown, PE
C1A 1M9
Respondent
carsenault@apm.ca

RE: Appeal #LA25011 – Louise Alders v. City of Charlottetown

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from Louise Alders against the July 15, 2025 decision of the City of Charlottetown to issue a Development Permit (#214-BLD-25) for site mobilization and construction hoarding for new apartment building located at 15 Haviland Street. A copy of the Notice of Appeal is attached. All parties involved will receive copies of submissions made by another party.

Information for the Appellant

The Commission has requested a copy of the file material from the City of Charlottetown. A copy of the written material relevant to this appeal will be forwarded to you in a timely manner.

Information for the Respondent

Please forward a copy of all information in your file with respect to the above-noted decision to the Commission by Wednesday, August 27, 2025. This information will be added to the Commission's file and will be distributed to the Appellant. On the same date, please file a written response to the Notice of Appeal. The City of Charlottetown may raise issues involving jurisdiction or preliminary matters in addition to a clear, but brief, response to the appeal.

Information for the Developer

Enclosed please find all documentation received to-date by the Commission with respect to this Notice of Appeal.

Any construction or expenses, with regard to this proposal, incurred by the developer/owner after this date will be at their peril.

IMPORTANT NOTE: Any questions or concerns can be directed to Michelle Walsh-Doucette by telephone at 902-892-3501 or email AppealInquiries@irac.pe.ca

A handwritten signature in blue ink, appearing to read "K. Bowling".

For Michelle Walsh-Doucette
Commission Clerk

cc. Karen Campbell, Cox & Palmer
Meaghan Hughes, Cox & Palmer

Enclosure



CITY OF CHARLOTTETOWN

PLANNING BOARD MEETING

UNADDRESSED PROPERTY - HAVILAND STREET (PID# 1100635)

RECONSIDERATION REQUEST – DEVELOPMENT PERMIT# 214-BLD-25

September 2, 2025

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Request:

- Request to reconsider the issuance of a Development Permit (Permit# 214-BLD-25) to allow for construction mobilization and hoarding on the subject property (i.e. construction trailer, temporary fencing and site stripping).
- Permit was issued July 15, 2025.
- Request for reconsideration was filed on August 05, 2025 with the City of Charlottetown.



Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Site Context:

- The subject property identified as PID# 1100635 is a flag-shaped lot located on the west side of Haviland Street located approximately 50 metres (164 feet) north of the intersection with Water Street. The subject property has historically been vacant, containing no buildings or structures.
- Subject property is within the Waterfront (WF) Zone.
- Surrounding properties contain multi-residential, institutional and low to medium density residential uses.



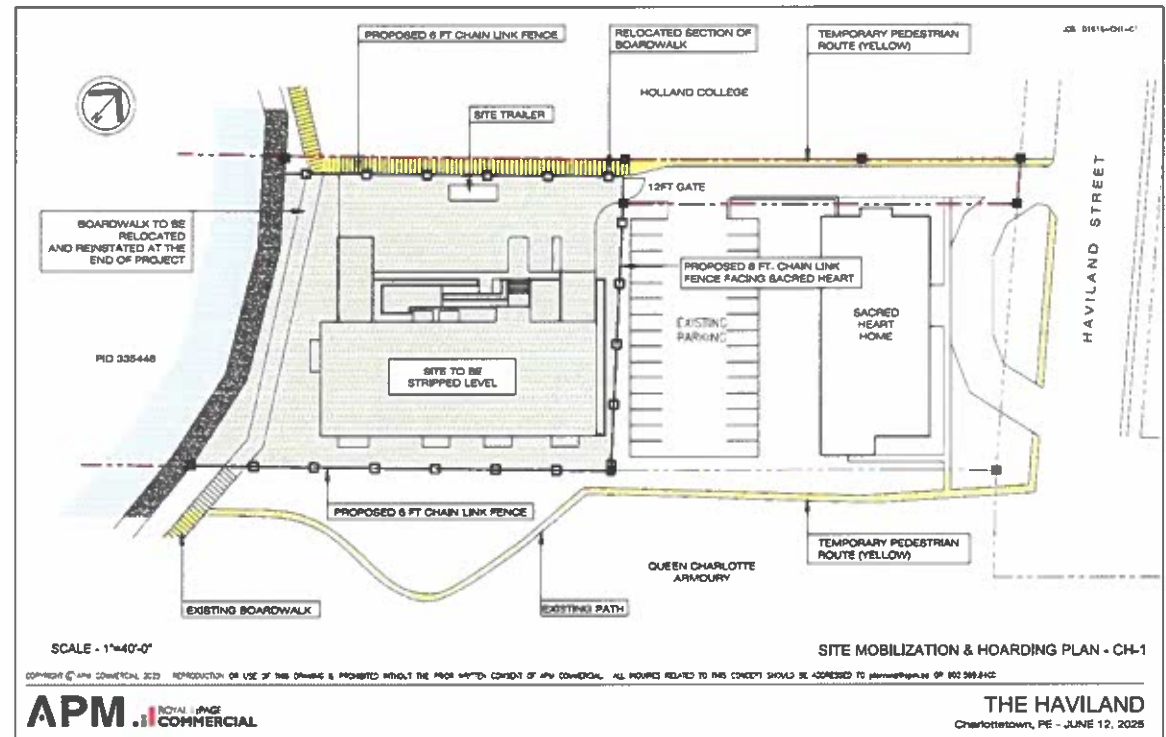
Photo dated August 26, 2025 (City of Charlottetown)

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Proposed Development:

- Site is currently under active development via Permit# 214-BLD-25 which authorized the establishment of a construction trailer and construction fencing on the site in addition to limited site preparation outside of a normal construction Permit.
- Issued Permit is in anticipation of construction of a 7-storey, 49-unit apartment building on the subject property.
- Developer is APM.



Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Development History:

- February 10, 2025 – Design Review Board endorsed proposed building design.
- March 12, 2025 – City entered into DA with the Developer following legal review.
- July 15, 2025 – City issued Development Permit 214-BLD-25.
- August 05, 2025 – request for reconsideration of Permit 214-BLD-25 was received.
- August 05, 2025 – appeal to IRAC concerning Permit 214-BLD-25 was received.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Reconsideration Process:

- In order for an application to be reconsidered there are two stages to a reconsideration request. When an applicant requests a Reconsideration the application for Reconsideration is required to pass a threshold test.
- To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained in Section 3.15 of the By-law.

3.15.3 Council May review, rescind, change, Alter or vary any order or decision made by the Development Officer or Council, and Council May reconsider any application under this section provided that:

- (a) new material facts or evidence not available at the time of the initial order or decision have come to light;*
- (b) a material change of circumstances has occurred since the initial order or decision; or*
- (c) there is a clear doubt as to the correctness of the order or decision in the first instance.*

- If, after receiving a recommendation from the Board, Council determines that the request passes the threshold test, Reconsideration will be given based on the merits of the application.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Reconsideration Process:

The application is currently at the “Threshold Test” stage. Staff have reviewed the initial application and the grounds put forth by the applicant for the Reconsideration.

The requesting party for reconsideration is basing their request on the following grounds under Section 3.15:

- (a) new material facts or evidence not available at the time of the initial order or decision have come to light;*
- (b) a material change of circumstances has occurred since the initial order or decision; or*
- (c) there is a clear doubt as to the correctness of the order or decision in the first instance.*

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Staff Review:

- On the basis of the applicant's submission, the Permit was found by Planning staff to conform to all requirements to issue.
- On this basis, it was concluded that the Permit was deemed to be 'as-of-right' under the provisions of the Zoning Bylaw and could be issued without any need for an application under the Planning Act that would require public consultation or a public process.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Staff Review:

(a) new material facts or evidence not available at the time of the initial order or decision have come to light;

- ❑ In the applicant's correspondence reference is made that the subject property is historically reclaimed land that was filled in during the 1950s and as such the property exists within a high-risk flood hazard area and that the quality of local soils are suspect to potential existing environmental contamination.
- ❑ It should be made clear that while mapping may identify the site being within a high risk flood hazard zone, there are no implementing regulations guided by legislation and enforced by either the Province or the City of Charlottetown to prevent development in proximity to the shoreline on the basis of flooding hazard save and except for within the 15-metre buffer zone as detailed under the Province's Environmental Protection Act (EPA) Watercourse and Wetland Protection Regulations.
- ❑ At the time the Permit was issued, contact was made with Provincial staff and clearance was obtained with respect to the EPA Watercourse and Wetland Protection Regulations for this specific Permit.
- ❑ Similarly, Provincial Department of Environment staff responded with respect to the quality of earthen materials and confirmed that no record of contamination exists for the subject property as far as the Province is concerned.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Staff Review:

(a) new material facts or evidence not available at the time of the initial order or decision have come to light;

- On this basis, there are no new material facts or evidence available that would have precluded or prevented the City from issuing the original Development Permit as it concerns applicable and identified Provincial regulations to date.
- There were also no regulations contained within the Zoning & Development Bylaw that would have precluded the City from issuing the Permit either on the basis of its scope.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Staff Review:

(b) a material change of circumstances has occurred since the initial order or decision;

- ❑ Since the issuance of the Development Permit (Permit# 214-BLD-25) on July 15, 2025 no material change of circumstances has occurred since that initial order or decision that would have affected the issuance of the Permit. The factors that allowed the City to issue the mobilization Permit at present exist the same as when it was originally issued.
- ❑ In their submissions, the reconsidering party has stated that under Sections 3.3.9.d) and 3.3.9.e) of the Zoning Bylaw that Permit for site mobilization and hoarding should have been rejected until after an Environmental Site Assessment (ESA) or Environmental Impact Assessment (EIA) had been completed.
- ❑ As the Permit only authorized the installation of a construction trailer and construction fencing on the site as well as limited stripping of material from the property, these activities as well as the history of the property were not confirmed by the Provincial Department of Environment as passing the thresholds necessary to warrant the need for either an ESA or an EIA study.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

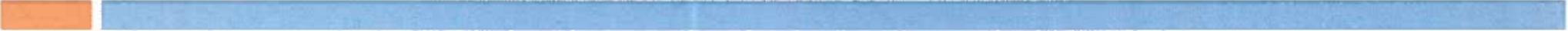


Staff Review:

- (c) there is a clear doubt as to the correctness of the order or decision in the first instance.*
- In their submissions, the applicant has stated that there exists clear doubt as to the correctness of the order or decision in the first instance claiming that there would have been need for variances by which to issue Permit 214-BLD-25 in the first place.
 - The applicant notes that variances for maximum front yard setback, maximum side yard setback, step-back from interior lot line and land-use buffers would be needed and that overall, the Permit should not have been issued as it did not conform with all provisions of the Zoning & Development Bylaw.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.

- With respect to maximum front yard setback, it needs to be made clear that the property in question is a flag-lot and as such, in relation to Section 48.12.3.d) of the Bylaw, no portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion and therefore this portion is also not accounted for in defining any portion of the front yard for the lot.
- On the basis of the site plan received for the development, the front yard setback to the north wall of the proposed building would not exceed the maximum distance of 4 metres (13.1 feet) otherwise required by the Waterfront (WF) Zone given the ability to discount the access strip (pole) portion of the lot from this defined yard in this case.
- Therefore no variance is required in this case.

Haviland Street (PID# 1100635)

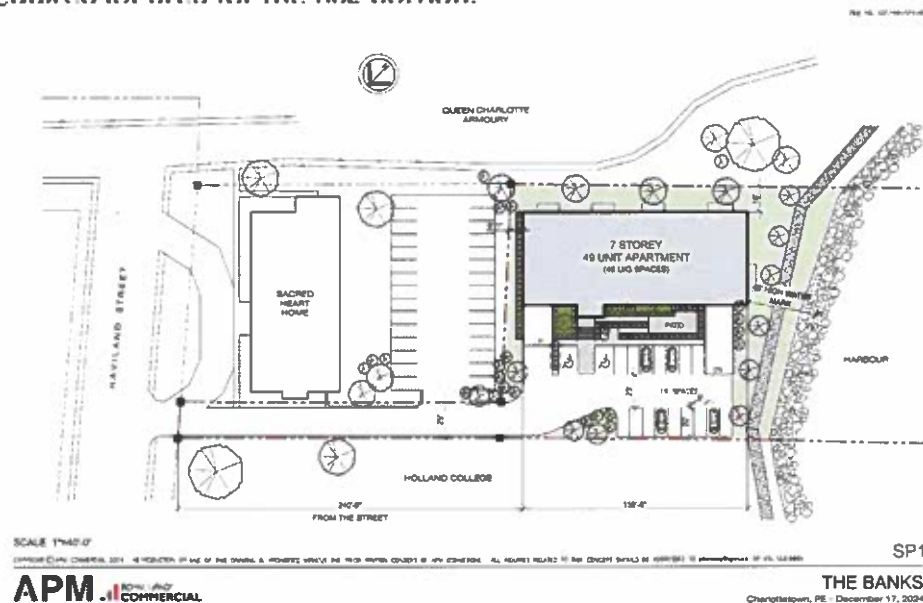
Reconsideration Request – Development Permit# 214-BLD-25

Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.



- d. No portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion.



Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.

- ❑ With respect to maximum side yard setback, the Bylaw under Section 34.3 states that a setback *may* be permitted but not to exceed 20% of the lot width or lot depth.
- ❑ A key term invoked here is the word *may* rather than *shall* which means that this is not a hard requirement that must be adhered to through the Bylaw and is optional in its application at an operational level based on the dynamics of a given site or property.
- ❑ Therefore no variance is required in this case because the need for a maximum side yard setback can be waived in this instance on the basis that there would be limited need to apply one based on potential land-use impacts with respect to abutting lots to the north and south of the subject property.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.

- ❑ With respect to the stepbacks referred to in the applicant's letter that related to Section 34.3 of the Zoning Bylaw, is it important to note the following definitions from the Bylaw that inter-related to when stepbacks are required:
- ❑ **Stepback** means a specified horizontal recess from the top of a Streetwall, which shall be unobstructed from the Streetwall to the sky except as otherwise specified.
- ❑ **Streetwall** means the wall of a Building or portion of a wall facing a Streetline that is below the Height of a specified Stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.
- ❑ **Streetline** means the division line between a Street and a Lot providing the primary access to any Lot and abutting along its length the required Lot Frontage.
- ❑ Due to the fact that the lot geometry (flag-shaped) and location of the lot with respect to Haviland Street completely precludes the ability to establish a streetwall at all for any potential future building, this implies that stepbacks by their definition cannot be applied to the proposed building.
- ❑ Therefore no variance is required in this case as the ability to create a streetwall to which stepbacks would relate and be triggered under the regulations simply does not exist or could never exist given the geometry of the lot with respect to Haviland Street.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.

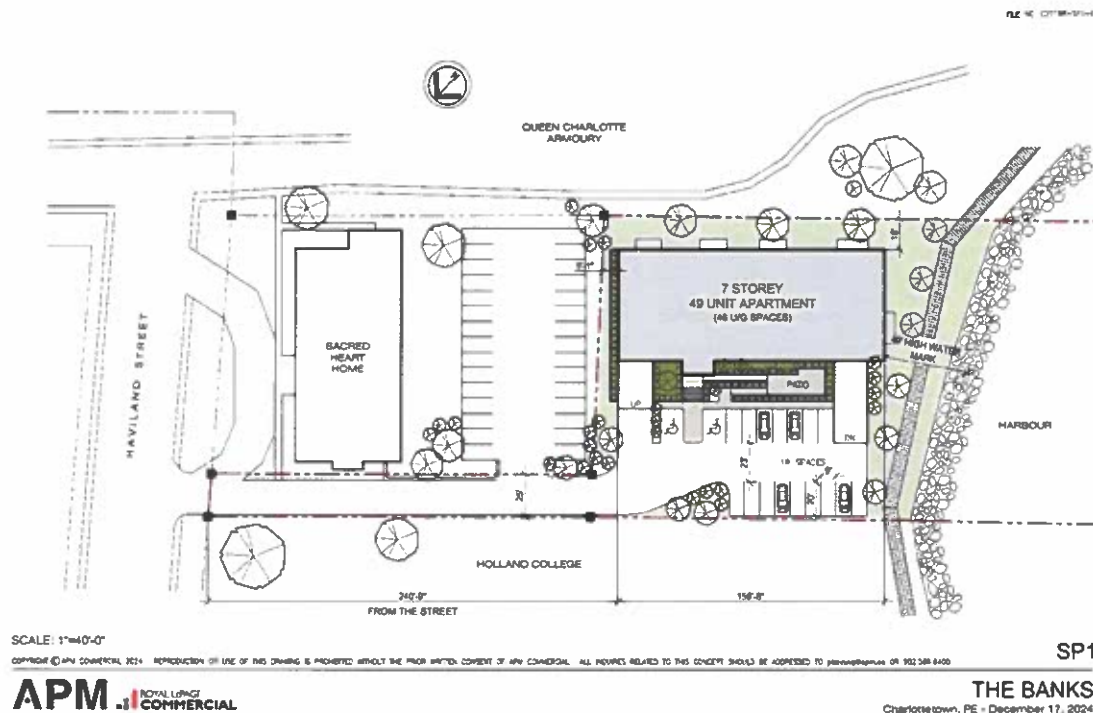
- In their submission the applicant states that Sections 46.11.4 and 46.11.7 of the Bylaw are equally not being adhered to as it regards land-use buffers with respect to parking and positioning of parking.
- In correlating the site plan provided by the Developers, all requirements are met.
- As the proposed parking does not front directly to the street and is instead internal to the site beyond the access driveway, no 2-metre buffer is required with respect to the street as per Section 46.11.4 and additionally, the minimum buffer of 1.5 metres required along all lot lines is exclusive of driveway use under this section and is otherwise provided along the perimeter of the parking areas as needed.
- With respect to Section 46.11.7, no parking is being provided directly between the building and a street.
- Therefore no variance is required in this case as the ability to meet all buffer requirements is assured.

Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25

Staff Review:

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.



Haviland Street (PID# 1100635)

Reconsideration Request – Development Permit# 214-BLD-25



Recommendation:

The Planning & Heritage Department encourages Planning Board **NOT** to recommend to Council to allow for the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property on Haviland Street (PID# 1100635) concerning site mobilization and construction hoarding.



City of Charlottetown Committee Report

Report No:

PLAN-2025-02-SEPTEMBER-6C-1

Date:

September 2, 2025

Directed to Council through the following Committee:
Planning Board

Reporting Department:
Planning & Heritage

Other Associated Departments:
N/A

Prepared by:
David Gundrum, RPP, MCIP

Attachments:

- A. Air Photo
- B. Permit 214-BLD-25 (issued July 15, 2025)
- C. Site Mobilization Plan (dated June 12, 2025)
- D. Reconsideration Request (August 5, 2025)
- E. Development Site Plan (Dec. 17, 2024)

Report Title:
Reconsideration Request of Development Permit 214-BLD-25

Report Purpose:
Evaluation of Section 3.15 (Reconsideration) of the Zoning & Development Bylaw with respect to Development Permit 214-BLD-25.

Staff Recommendation:
The Planning & Heritage Department encourages Planning Board **NOT** to recommend to Council to allow for the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property on Haviland Street (PID# 1100635) concerning site mobilization and construction hoarding.

Report Details:**BACKGROUND:**

The subject unaddressed property on Haviland Street identified as PID# 1100635 is a flag-shaped lot located on the west side of Haviland Street. The subject property has historically been vacant containing no buildings or structures. The site is currently under active development for pre-construction mobilization via Permit 214-BLD-25 which authorized the installation of construction fencing and a construction trailer on the site as well as leveling of the property in anticipation of future construction under future Permit for a 7-storey, 49-unit apartment building (see Attachments B & C).

It is noted that the subject property is within the Waterfront (WF) Zone of the Zoning & Development Bylaw and abuts neighbouring properties to the north and south which are also within the (WF) Zone. Property to the north at 4 Sydney Street (PID# 335463) contains the Culinary Institute of Canada while the property to the south at 3 Haviland Street (PID# 335018) houses a building containing the Prince Edward Island army regiment.

Abutting the subject property immediately adjacent to the northeast is a developed site located at 13 Haviland Street (PID# 335448) containing an existing 5-storey apartment building also in the Waterfront (WF) Zone.

Other surrounding properties in the area are primarily residential in nature being predominantly single-detached, duplex and converted dwellings found on lots within the Downtown Neighbourhood (DN) zone. The subject property is owned by Pan American Properties Inc. and as mentioned is proposed to be developed with a new multi-unit apartment building in the near future.

On August 5, 2025 local resident Louise Aalders requested reconsideration of a decision of the City of Charlottetown to issue a Development Permit (Permit# 214-BLD-25) for construction mobilization and preparation for the subject property ahead of and in anticipation of future Permits for construction.

Ms. Aalders has submitted this request under Section 3.15 of the City's Zoning & Development Bylaw citing the three (3) threshold tests contained therein. Copy of the submitted reconsideration request can be found under Attachment D to this report.

THE PROCESS OF RECONSIDERATION:

In order for an application to be reconsidered there are two stages to a reconsideration request. When an applicant requests a Reconsideration the application for Reconsideration is required to pass a threshold test. To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained in Section 3.15 of the By-law.

Section 3.15 of the Zoning and Development Bylaw states:

3.15 RECONSIDERATION

.3 Council May review, rescind, change, Alter or vary any order or decision made by the Development Officer or Council, and Council May reconsider any application under this section provided that:

(a) new material facts or evidence not available at the time of the initial order or decision have come to light;

(b) a material change of circumstances has occurred since the initial order or decision; or

(c) there is a clear doubt as to the correctness of the order or decision in the first instance.

If, after receiving a recommendation from the Board, Council determines that the request passes the threshold test, Reconsideration will be given based on the merits of the application.

The application is currently at the "Threshold Test" stage. Staff has reviewed the initial application and the grounds put forth by the applicant for the reconsideration. The requesting party for reconsideration quoted all three tests in their letter to the City. On this basis, staff have reviewed for each of the threshold tests under Section 3.15 as follows:

(a) new material facts or evidence not available at the time of the initial order or decision have come to light;

In the applicant's correspondence (see Attachment D), reference is made that the subject property is historically reclaimed land that was infilled and created with material filled into the pre-existing ocean harbour on or about the year 1952. The applicant claims that this history of the site and mapping information places the property within a high risk flood hazard zone and that the environmental quality of the existing earthen materials on the property are suspect.

It should be made clear that while mapping may identify the existing site as being within a high risk flood hazard zone, there are no implementing regulations guided by legislation and enforced by either the Province of PEI or the City of Charlottetown to prevent development on this site in proximity to the shoreline on the basis of flooding hazard save and except for within the 15-metre buffer zone as detailed under the Province of PEI's Environmental Protection Act (EPA) Watercourse and Wetland Protection Regulations.

At the time the Permit was issued, contact was made with Provincial staff and clearance was obtained with respect to the EPA Watercourse and Wetland Protection Regulations. Similarly, Provincial Department of Environment staff responded with respect to the quality of earthen materials and confirmed that no record of contamination exists for the subject property.

On this basis, there are no new material facts or evidence available that would have precluded or prevented the City from issuing the original Development Permit as it concerns applicable and identified Provincial regulations to date. There were also no regulations contained within the Zoning & Development Bylaw that would have precluded the City from issuing the Permit either on the basis of its scope.

(b) a material change of circumstances has occurred since the initial order or decision; or

Since the issuance of the Development Permit (Permit# 214-BLD-25) on July 15, 2025 no material change of circumstances has occurred since that initial order or decision that would have affected the issuance of the Permit. The factors that allowed the City to issue the mobilization Permit at present exist the same as when it was originally issued.

In their submissions, the applicant (Ms. Aalders) states that under Sections 3.3.9.d) and 3.3.9.e) of the Zoning Bylaw that Permit for site mobilization and hoarding should have been rejected until after an Environmental Site Assessment (ESA) or Environmental Impact Assessment (EIA) had been completed. As the Permit only authorized the installation of a construction trailer and construction fencing on the site as well as limited stripping of material from the property,

these activities as well as the history of the property were not confirmed by the Provincial Department of Environment as passing the thresholds necessary to warrant the need for either an ESA or EIA study.

c) there is a clear doubt as to the correctness of the order or decision in the first instance.

In their submissions, the applicant has stated that there exists clear doubt as to the correctness of the order or decision in the first instance claiming that there would have been need for variances by which to issue Permit 214-BLD-25 in the first place. The applicant notes that variances for maximum front yard setback, maximum side yard setback, step-back from interior lot line and land-use buffers would be needed and that overall, the Permit should not have been issued as it did not conform with all provisions of the Zoning & Development Bylaw.

With respect to maximum front yard setback, it needs to be made clear that the property in question is a flag-lot and as such, in relation to Section 48.12.3.d) of the Bylaw, no portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion and therefore this portion is also not accounted for in defining any portion of the front yard for the lot. On the basis of the site plan received for the development (see Attachment E) the front yard setback to the north wall of the proposed building would not exceed the maximum distance of 4 metres (13.1 feet) otherwise required by the Waterfront (WF) Zone given the ability to discount the access strip (pole) portion of the lot from this defined yard in this case. Based on the site plan provided, a setback of 2.77 metres (9.08 feet) is shown. Therefore no variance is required in this case as the pole-portion of the flag-shaped lot can be disqualified as constituting part of the lot area and thereby the front yard in this instance.

With respect to maximum side yard setback, the Bylaw under Section 34.3 states that a setback *may* be permitted but not to exceed 20% of the lot width or lot depth. Key word in this case being *may* that is invoked here rather than *shall* means that this is not a hard requirement that must be adhered to through the Bylaw and is optional in its application. Therefore no variance is required in this case because the need for a maximum side yard setback can be waived in this instance.

With respect to the stepbacks referred to in the applicant's letter that related to Section 34.3 of the Zoning Bylaw, is it important to note the following definitions from the Bylaw that inter-related to when stepbacks are required:

Stepback means a specified horizontal recess from the top of a Streetwall, which shall be unobstructed from the Streetwall to the sky except as otherwise specified.

Streetwall means the wall of a Building or portion of a wall facing a Streetline that is below the Height of a specified Stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

Streetline means the division line between a Street and a Lot providing the primary access to any Lot and abutting along its length the required Lot Frontage.

Due to the fact that the lot geometry (flag-shaped) and location of the lot with respect to Haviland Street completely precludes the ability to establish a streetwall at all for any future building, this implies that stepbacks by their definition cannot be applied to the proposed building in this instance. Therefore no variance is required in this case

as the ability to create a streetwall to which stepbacks would relate and be triggered under the regulations simply does not exist.

In their submission the applicant also states that Sections 46.11.4 and 46.11.7 of the Bylaw are equally not being adhered to as it regards land-use buffers with respect to parking and positioning of parking however in correlating to the site plan provided by the Developers (see Attachment E) all requirements are met. As the proposed parking does not front directly to the street and is instead internal to the site beyond the access driveway, no 2-metre buffer is required with respect to the street as per Section 46.11.4 and additionally, the minimum buffer of 1.5 metres required along all lot lines is exclusive of driveway use under this section and is otherwise provided along the perimeter of the parking areas as needed. With respect to Section 46.11.7, no parking is being provided directly between the building and a street. Therefore no variance is required in this case as the ability to meet all buffer requirements is assured.

Evaluating for the applicant's claims to lack of Zoning Bylaw conformity, it has been demonstrated that conformity has been maintained and therefore there is no doubt as to the correctness of the order or decision in the first instance.

Council or Committee History:

Design Review Board meeting – February 10, 2025.

Financial Implications:

N/A

Public Engagement and Communication:

N/A

Legislative Authority:

Zoning & Development Bylaw

Strategic Alignment:

Reviewed By:

Manager

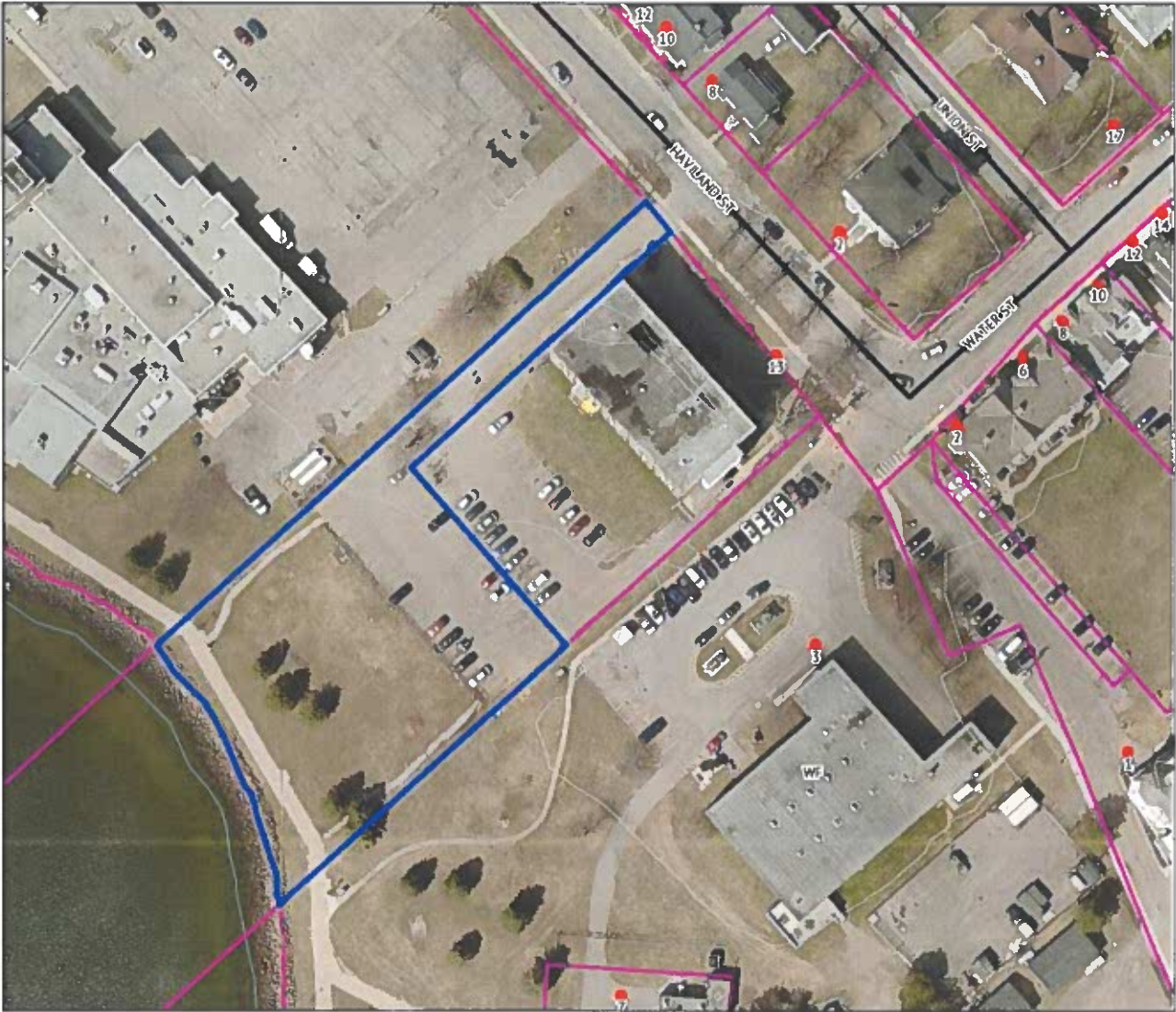
David Gundrum, RPP, MCIP

Director/CAO

Michael Ruus, RPP, MCIP

Committee Recommendation: (if differing from staff)

Attachment A – Air Photo



Attachment B – Permit 214-BLD-25 (issued July 15, 2025)

Permit #	214-BLD-25
File #	25-786
PID #	
Zone	

Mailing Address P.O Box 98, 70 Kent Street, Charlottetown, PE, C1A 1M9
Contact information Phone 902-629-4158 | Fax 902-629-4156 | planning@charlottetown.ca | www.charlottetown.ca

DEVELOPMENT PERMIT

POST THIS IN A CONSPICUOUS LOCATION DURING CONSTRUCTION

This document certifies that Pan American Properties Inc of PO Box 2859, Charlottetown, PE C1A 8C4 has a Permit to Site Mobilization and Construction Hoarding for New Apartment Building at the location of 15 Haviland St.

Approved Plans Information

Drawing No.:	Prepared by:	Submittal Date:

Provided that the person accepting this permit shall in every respect conform to the City of Charlottetown Zoning & Development Bylaw, The Building Code Bylaw, and any other provisions set by the City of Charlottetown.

Any violation of the terms or conditions listed below may be deemed cause for revocation of this permit.

	Division	Condition
1.	Zoning & Development	The developer is responsible to repair any damaged sidewalk or asphalt caused by the demolition to the satisfaction of the Public Work Manager.
2.	Zoning & Development	All debris and dirt shall be removed from the Public Right-of-Way prior to the completion of site mobilization and site preparation work. Any materials from the site to be hauled and disposed of must be brought to a Provincially approved site.
3.	Zoning & Development	The Permit for site mobilization work shall be valid for sixty (60) calendar days.
4.	Zoning & Development	The proposed site trailer shall be located on the subject property as per the Site Plan prepared by APM and date June 12, 2025.
5.	Zoning & Development	The developer is to ensure that all surface water runoff associated with the mobilization and site preparation work shall not impact adjacent or abutting properties and shall drain on-site or to the nearest point of reception for the municipal storm system.
6.	Zoning & Development	All drainage and flow of water is directed to either the natural watercourse or to Haviland Street. Flows cannot be directed to any adjacent or abutting properties.

Approved By

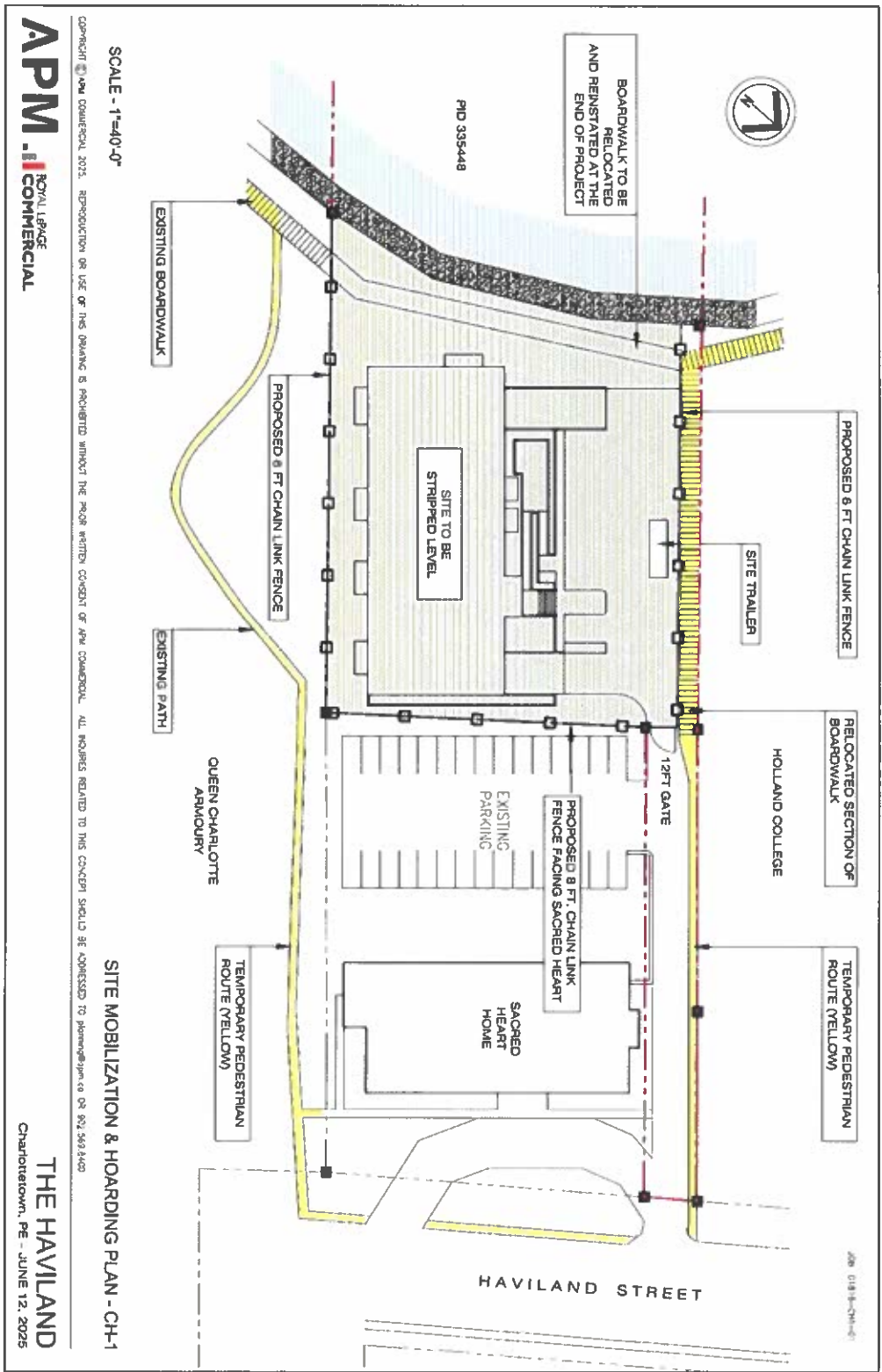
Development Officer: David Gundrum

Date: 2025-07-15

Name Signature

THIS IS NOT AN "OCCUPANCY PERMIT"

Attachment C – Site Mobilization Plan (dated June 12, 2025)



Attachment D – Reconsideration Request (August 5, 2025)

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca

August 5, 2025

RE: RECONSIDERATION REQUEST – Development Permit for 15 Haviland St. (Permit #214-BLD-25)

Dear Mr. Gundrum,

As an aggrieved person I, Louise Aalders, respectfully request that the City of Charlottetown reconsider the approval of the Development permit for 15 Haviland St. (Permit #214-BLD-25) for Site Mobilization and Construction Hoarding, Issued July 15, 2025. This request is made under provision 3.15.3.a, 3.15.3 b, and 3.15.3.c of Section 3.15 Reconsideration, of the Charlottetown Zoning and Development Bylaw.

3.15.3 Council may review, rescind, change or vary any order or decision made by the Development Officer or by Council provided that:

- a. New material facts or evidence not available at the time of the initial order or decision have come to light;
- b. A material change of circumstances has occurred since the initial order or decision; or
- c. There is a clear doubt as to the correctness of the order or decision in the first instance.

I am respectfully requesting that the City reconsider its decision to issue a development permit for Site Mobilization and Construction Hoarding for 15 Haviland Street (Permit #214-BLD-25). The project is not compliant with multiple components of the Zoning and Development bylaw outlined below nor provincial Environmental Protection Watercourse and Wetland Protection Regulations.

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025

The Site Mobilization and Hoarding permit is the initial step of a project proposed to the Design Review Board on February 10, 2025. As this permit reflects the start of project, the reconsideration request is being filed at this time. An appeal has also been filed with the Island Regulatory and Appeals Commission, to be held in abeyance, on this matter. More information on this will be sent under separate cover.

Given the as yet unknown nature of the fill material used, any permits should be suspended until after an Environmental Site Assessment and/or Environmental Impact Assessment is conducted and the material found safe to disturb.

Numerous variances are required for this project given the shape of the lot and location of the building on the lot. These require Planning Board and Council approval. Given the large number of variances, the highly visible nature of the project from the harbour and impact on the cityscape, a Site Specific Exemption to the Zoning and Development bylaw would seem the most appropriate action.

Given that the new Official Plan was adopted by Council on July 22, 2025, section 6.1.4 applies such that no further permits can be issued, or re-issued, for the property if it does not comply with the current Zoning and Development bylaw until the new Zoning & Development bylaw is adopted.

Respectfully,

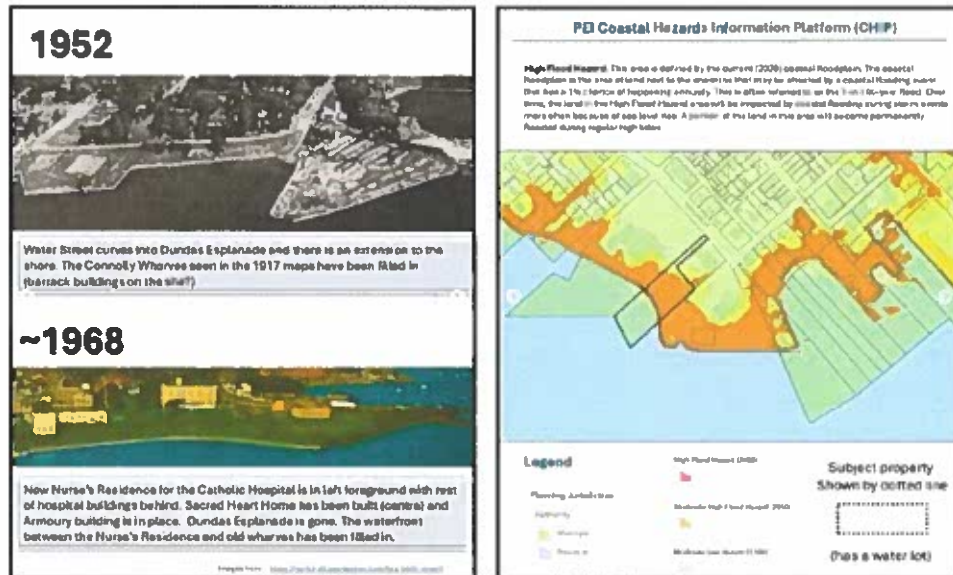
Louise Alders

Charlottetown, PE

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025

A. 3.15.3 a. New material facts or evidence not available at the time of the initial order or decision have come to light;

- I. Lot PID# 1100635 has clearly been filled in/reclaimed sometime after 1952 (see photos below). The vast majority of this lot and the footprint of the proposed development is in the High Flood Hazard zone, presumably because it is infilled.



The Site Mobilization and Construction Hoarding plan, CH-1, from June 12, 2025 indicates much of the material on this lot will be excavated "site to be stripped level". Such excavation of the infill material risks creating dust and surface runoff, containing as yet unknown materials, being released into the air and adjacent watercourse, the Charlottetown Harbour, potentially putting the health and safety of city residents, land, air and water-based wildlife at risk.

With this new material fact and photographic evidence of site infill of unknown material now available, Council may review, rescind, change or vary any order or decision made by the Development Officer per section 3.15.3.a.

B. 3.15.3 c. There is a clear doubt as to the correctness of the order or decision in the first instance.

1. Under Sections 3.3.9.d and 3.3.9.e of the Zoning and Development bylaw, the application for the Site Mobilization and Hoarding permit should have been rejected until after an Environmental Site Assessment or Environmental Impact Assessment had been completed to determine if there were any Areas of Potential Environmental Concern associated with the property. The correctness of the permit decision is clearly in doubt.

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

- d. The impact of the proposed Development would be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;
- e. The proposed Development would be detrimental to the convenience, health or safety of the occupants or residents in the vicinity or the general public.

Given the unknown nature of the infill material used, it is the City's duty and is consistent with good planning principles and due diligence to investigate and insure that disturbing this material is not endangering the health and well-being of the public or the environment.

Permit #214-BLD-25 states "all surface water runoff associated with the mobilization and site preparation work Shall drain onsite or to the nearest point of reception for the municipal storm system". Were any contaminants to be present in the infill site, these would be directed to the harbour via the municipal storm system. The waters of Charlottetown harbour are used for recreational purposes by residents and visitors and contains significant wildlife and commercial fishery activity. Exposure to contaminants could have detrimental human and environmental health effects as well as negatively impact recreational and commercial fisheries.

Permit #214-BLD-25 also states, "All drainage and flow of water is directed to either the natural watercourse or to Haviland Street." The potential risks associated with allowing drainage and water flow directly to the natural watercourse or indirectly via the street and municipal storm system are as stated in the preceding paragraph.

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025

2. The unusual shape of the lot and the proposed building being offset on the lot to accommodate a surface parking lot, creates numerous nonconformities with the Zoning & Development bylaw which is designed for rectangular or square lots (see site plan SP1, December 17, 2024 provided for Design Review Board, February 10, 2025) requiring multiple variance approvals. The massing of the building is also discordant with current requirements.



Consequently, approval of numerous variances were required before the proposed development could be approved and any permit related to the project issued. The city failed to follow due process to review and note the required variances (section 3.8 and 3.9, Zoning and Development bylaw), including public consultation (section 3.8.3 and 3.9.3). The permit also fails to conform to provincial Environmental Protection Watercourse and Wetland Protection Regulations. The permit application should have been rejected under section 3.3.9.a.

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

- a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation;

The correctness of the order, Permit # 214-BLD-25, is clearly in doubt and so Council may review, rescind, change, or vary the decision to issue the permit under section 3.15.3.c of the Zoning and Development bylaw.

34.3 REGULATIONS FOR PERMITTED USES

All permitted uses in the WF Zone are subject to the following regulations:

Interior/Corner Lots	
1 Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2 Height (See Map D)	Minimum: 10 m (32.3 ft) Maximum: 16.5 m (54.1 ft) properties adjacent to Water St Maximum: 24.5 m (80.4 ft) for all other properties
3 Front or Flankage Yard (See Map F)	Maximum: 1.5 m (4.9 ft) on Water St Maximum: 4 m (13.1 ft) on all other streets.
4 Rear or Side Yard	A Setback may be permitted but not to exceed 20% of the Lot Width or Lot Depth. <i>"All buildings shall be setback a minimum of 8m (26.2ft) from the ordinary high water mark."</i>
5 Streetwall Height (See Map G)	Maximum: 15.5 m (50.9 ft) on Water St Maximum: 16.5 m (54.1 ft) on all other streets
6 Projections	Minimum 1.0 m (3.3 ft) from street line, and Maximum 2.5 m (8.2 ft) projection; OR Within the minimum and maximum range of the existing Buildings on the Block.
7 Building Setback/ Stepback	Low-Rise Building: A low-rise building may be setback from the interior lot line. This setback may not exceed 20% of the lot frontage; Mid-Rise Building: Massing for mid-rise Buildings with a height above 13 m (42.6 ft) or the height of the streetwall, the mid-rise portion of a building shall be step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied."
8 Ground Floor Finished Floor Elevation (FFE)	Minimum 3.76 m CGVD28 (Canadian Geodetic Vertical Datum 1928)

- i) The property exceeds the maximum Front yard [Setback] (see point 3 in Section 34.3, it seems 'setback' has been omitted but is inferred). The building is set back 240.9' from the street representing as a major variance from the maximum of 13.1'.

- ii) **The maximum side yard set back has been exceeded (34.3.4)** by about 140% looking at the relative distance of the building from the lot adjacent to the Holland College property and the width of the property itself (no lot width is provided for the wider section of this flag lot on the site plan). The side yard set back as proposed is a major variance.
- iii) **A step-back from the interior lot line** for mid-rise buildings (Section 34.3 point #7) was required. At least one, if not both, conditions that would trigger the stepback are met. Point #7 essentially reads "IF __ OR __ is present, THEN __ shall occur". At 21.54 m, the building has 8.54 m of height above 13 m therefore, one of the two conditions has been met and so the "mid-rise portion of a building shall be step-back from the interior lot lines" requirement should have been applied. The building is also taller than the streetwall Height (16.5 m) for streets not on Water St. Point #7 doesn't specify whether the streetwall height is for that portion of the building that has a streetwall or if it is just the streetwall limit for the area. Potentially both of the optional conditions have been met.

Mid-Rise Building: Massing for mid-rise Buildings with a height above 13 m (42.6 ft) or the height of the streetwall, the mid-rise portion of a building shall be step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied."

The need for the step back above 13 m (42.6 feet) is further reinforced by the precedent set by the January 3, 2020 Development agreement (Book 5806, document #461, Queen's County Registrar of Deeds) for an eight storey building on this lot. The Developer's Covenants included:

2.11 Above a height of 42.6 ft, the building shall have a stepback no less than 17.61 ft (10% of the lot width).

Being on the waterfront, this building is in one of the most visible parts of the city as it will be seen by anyone approaching from the water (local and regional boaters, watersport enthusiasts, and cruise ship passengers). Ideally, the city would require buildings on the waterfront to meet and even exceed the highest design standards given their exposure. In some respects, the waterfront and harbour represents the city's largest and most visible Public Right of Way and streetwall.

- iv) **The surface parking lot** as shown on the site plan falls under Section 46.11 Parking Surface Lots – Waterfront Zone. Section 46.11.4 requires a minimum 2 metre wide Land use Buffer between the street. The site plan does not suggest that.

46.11.4 Any Parking Lot visible from a street shall have a Land Use Buffer of no less than 2.0 m width between the street and the Parking Lot, exclusive of driveway access. A minimum Land Use Buffer of 1.5m shall be provided along all other Lot Lines.

- v) **A minimum 1.5 m land use buffer along the entirety of the lot line shared with PID# 335463 (Holland College Culinary Centre), which includes 224.59 feet of the proposed driveway, and the lot line shared with PID#335448 for the 223.78 ft of the proposed driveway access is also required. This effectively reduces the width of the available driveway access to the lot from 25.04 ft to 15.2 ft.**

46.11.4 Any Parking Lot visible from a street shall have a Land Use Buffer of no less than 2.0 m width between the street and the Parking Lot, exclusive of driveway access. A minimum Land Use Buffer of 1.5m shall be provided along all other Lot Lines.

- vi) **The shape of the lot results in the surface parking lot being between the street and the building which is not allowed per 46.11.7 .**

46.11.7 Parking between the Street and Building is prohibited.

3. **Issuing a Development permit for Hoarding and Site Mobilization for the proposed development does not conform to the provincial Environmental Protection Watercourse and Wetland Protection Regulations III Buffer Zones 3 (4) (b) without first obtaining a Buffer Zone Activity permit. Therefore, under section 3.3.9.a of the Zoning and Development bylaw, the permit should not have been issued.**

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation;

4. **The site plan shows the parking lot surface is encroaching on the 15 m buffer zone which does not conform to the provincial Environmental Protection Watercourse and Wetland Protection Regulations III Buffer Zones, 3 (3), 3(4)(a), 3(4)(b), 3(4)(d), and 3 (4)(e). Therefore, under section 3.3.9.a of the Zoning and Development bylaw, the permit should not have been issued. It is noteworthy that the representative for APM at the February 10, 2025 Design Review Board meeting falsely indicated that required permits had been secured when questioned directly by the Mayor.**

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation;

PART III — BUFFER ZONES

3. Application of prohibitions

(1) Where a watercourse is solely a landlocked pond

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

Idem

(2) Where a wetland is solely a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

Idem

(3) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, alter or disturb the ground or soil within 15 metres of a watercourse boundary or a wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

Idem

(4) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, engage in or cause or permit the engaging in any of the following activities within 15 metres of a watercourse boundary or a wetland boundary:

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rocks, or aggregate;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle, other than
 - (i) upon a highway;
 - (ii) upon a private road, right-of-way, or driveway which was approved prior to the enactment of these regulations by the provincial government or a municipal government in a building permit or a subdivision plan, or
 - (iii) for the conduct of activities directly related to the legal harvesting of a fishery resource, the legal removal of beach material, or the cultivating of an agricultural crop;
- (e) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (f) cut down live trees or live shrubs;
- (g) cultivate an agricultural crop;
- (h) spray or apply pesticides in any manner.

Measurement

(5) The land within 15 metres of a watercourse boundary or a wetland boundary referred to in subsections (3) and (4) shall be known as a buffer zone.



C. 3.15.3.b b. A material change of circumstances has occurred since the initial order or decision;

Per section 6.1.4 of the City's Official Plan adopted by Council on July 22, 2025, no new permits can be issued if they do not comply with all requirements of the Zoning and Development bylaw i.e., no variances are required, until the Zoning and Development bylaw has been updated and adopted by Council. With the success of this Reconsideration Request and nullification of Permit #214-BLD-25, no Development Permits can be issued, or re-issued, for the proposal until the new Zoning and Development bylaw is adopted.

6.1.4 Zoning and Development Bylaw Transition

Following adoption of this Official Plan there will be a transitional period during which the adopted Zoning and Development Bylaw and Official Plan may present inconsistent land use direction. The following policies outline procedures for interpreting development applications where contradiction between these two documents exists.

POLICIES

The 2018 Zoning and Development Bylaw PH-ZD.2 land use regulations will remain until the Zoning and Development Bylaw is updated. When evaluating rezoning applications, the City will ensure any proposal requiring variance or amendment to the 2018 Bylaw meets the intent and purpose of the new Official Plan policies.

The City will issue permits under old zones provided they comply with all requirements of the Zoning and Development Bylaw.

Remove the existing Zoning and Development Bylaw requirement that the same or similar lawfully denied rezoning applications not be reheard by Council within one year of its rendering a decision.

The adoption of the new Official Plan represents a marked material change of circumstances and as such, meets the criteria of section 3.15.b of the Zoning and Development bylaw for a Reconsideration Request.

3.15.3 Council may review, rescind, change or vary any order or decision made by the Development Officer or by Council provided that:

b. A material change of circumstances has occurred since the initial order or decision; or

Of note, numerous elements of the proposed development appear inconsistent with new Official Plan

DOWNTOWN WATERFRONT POLICIES

Ensure development within the Downtown Waterfront complies with the design review process and with the general principals of the 500 Lot Area Development Standards & Design Guidelines.

3.2.10 NATURAL AREAS

POLICIES

- 3.2.10 k) Protect existing healthy, mature vegetation from development, and incorporate this vegetation into the design and development of the site.

- 3.2.10.m) Require through the Zoning and Development bylaw the preparation of an Environmental Impact Statement(EIS) for any new development that, in the City's judgement, could have a significant environmental impact on the land, water or air, (including noise).

- 3.2.10 o) Adopt a range of zones in the Zoning and Development Bylaw that have the goal of preserving ecologically sensitive areas, protect from development in flood-prone areas, protect natural water resources or maintain natural corridors.

- 3.2.10.s) Prioritize the protection of high value natural assets such as old hardwood stands, wetlands, or wet areas

- 3.2.10.v) Expand the amount of City-owned Natural Area wherever possible

- 3.2.10.x) Encourage Buffer Zones around watercourses that are larger than 15 m where feasible

- 3.2.10 g) Incorporate tree protection and/or planting requirements in new development

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025



CHARLOTTETOWN
Planning & Heritage Department

Permit #	214-BLD-25
File #	25-786
PID #	
Zone	

Mailing Address P.O. Box 98, 70 Kent Street, Charlottetown, PE, C1A 1M9
Contact Information Phone 902-629-4158 | Fax 902-629-4156 | planning@charlottetown.ca | www.charlottetown.ca

DEVELOPMENT PERMIT

POST THIS IN A CONSPICUOUS LOCATION DURING CONSTRUCTION

This document certifies that Pan American Properties Inc. c/o PO Box 2859, Charlottetown, PE C1A 8C4 has a Permit to Site Mobilization and Construction Hoarding for New Apartment Building at the location of 15 Haviland St.

Approved Plans Information

Drawing No.:	Prepared by:	Submittal Date:

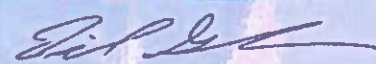
Provided that the person accepting this permit shall in every respect conform to the City of Charlottetown Zoning & Development Bylaw, The Building Code Bylaw, and any other provisions set by the City of Charlottetown.

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1.	Zoning & Development	The developer is responsible to repair any damaged sidewalk or asphalt caused by the demolition to the satisfaction of the Public Work Manager.
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3.	Zoning & Development	The Permit for site mobilization work shall be valid for sixty (60) calendar days.
4.	Zoning & Development	The proposed site trailer shall be located on the subject property as per the Site Plan prepared by APM and date June 12, 2025.
5.	Zoning & Development	The developer is to ensure that all surface water runoff associated with the mobilization and site preparation work shall not impact adjacent or abutting properties and shall drain on-site or to the nearest point of reception for the municipal storm system.
6.	Zoning & Development	All drainage and flow of water is directed to either the natural watercourse or to Haviland Street. Flows cannot be directed to any adjacent or abutting properties.

Development Officer: David Gundrum

Approved By



Date: 2025-07-13

Name

Signature

THIS IS NOT AN "OCCUPANCY PERMIT"

Reconsideration Request Development Permit #214-BLD-25, August 5, 2025

Planning & Heritage Summary (Week ending July 18th, 2026)

ISLAND REGULATORY APPEALS COMMISSION (IRAC) APPEAL PERIOD INFORMATION

The information on this page is intended to provide notice to the public when building and development permits have been approved by the Charlottetown Planning and Heritage Department and/or decisions are rendered by the Charlottetown City Council as governed by the Prince Edward Island Planning Act. The deadlines to make an appeal are listed for each application below as per the requirements of the Planning Act.

If you have any questions regarding the approvals listed below, please contact the Planning and Heritage Department at 902-629-4158.

Planning Development Permit Approvals

FILE#	PID	PERMIT	APPLICATION DATE	DECISION DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-358	341070	074-BLD-25	10-Mar-25	18-Jul-25	APPROVED	39 All Souls Ln	Renovation for the Addition of an Elevator	Charles Residence	8-Aug-25
25-672	662680	167-BLD-25	23-May-25	16-Jul-25	APPROVED	1 Browns C/A	Interior Renovation	Sam Shauge	6-Aug-25
25-766	1100635	214-BLD-25	20-Jun-25	15-Jul-25	APPROVED	15 Howland St	Site Mobilization and Construction Hoarding for New Apartment Building	Pan American Properties Inc	5-Aug-25
25-171	345662	212-STR-25	27-Jun-25	14-Jul-25	APPROVED	4 Richmond St	Tourist Home Short Term Rental	Lamontecore Investments 2017 Inc	4-Aug-25

Lot Subdivisions

FILE#	PID	CASE#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
25-770	746186	006-LC-25	25-Jun-25	14-Jul-25	Approved	231 Westdigo Cres	Lot Consolidation (Lot 2024-1)	Maria Samoyil	4-Aug-25
25-781	1116537	034-L.S.-25	9-Jul-25	19-Jul-25	Approved	4446 Golden Drive	Lot Subdivision (Lots 43-A & 43-B)	Chung Y Lam	8-Aug-25
25-830	1061944	034-L.S.-25	15-Jul-25	19-Jul-25	Approved	31 Parnham Drive	Lot Subdivision (Lot 12-57)	Jorge Hernandez	8-Aug-25

Council Approvals

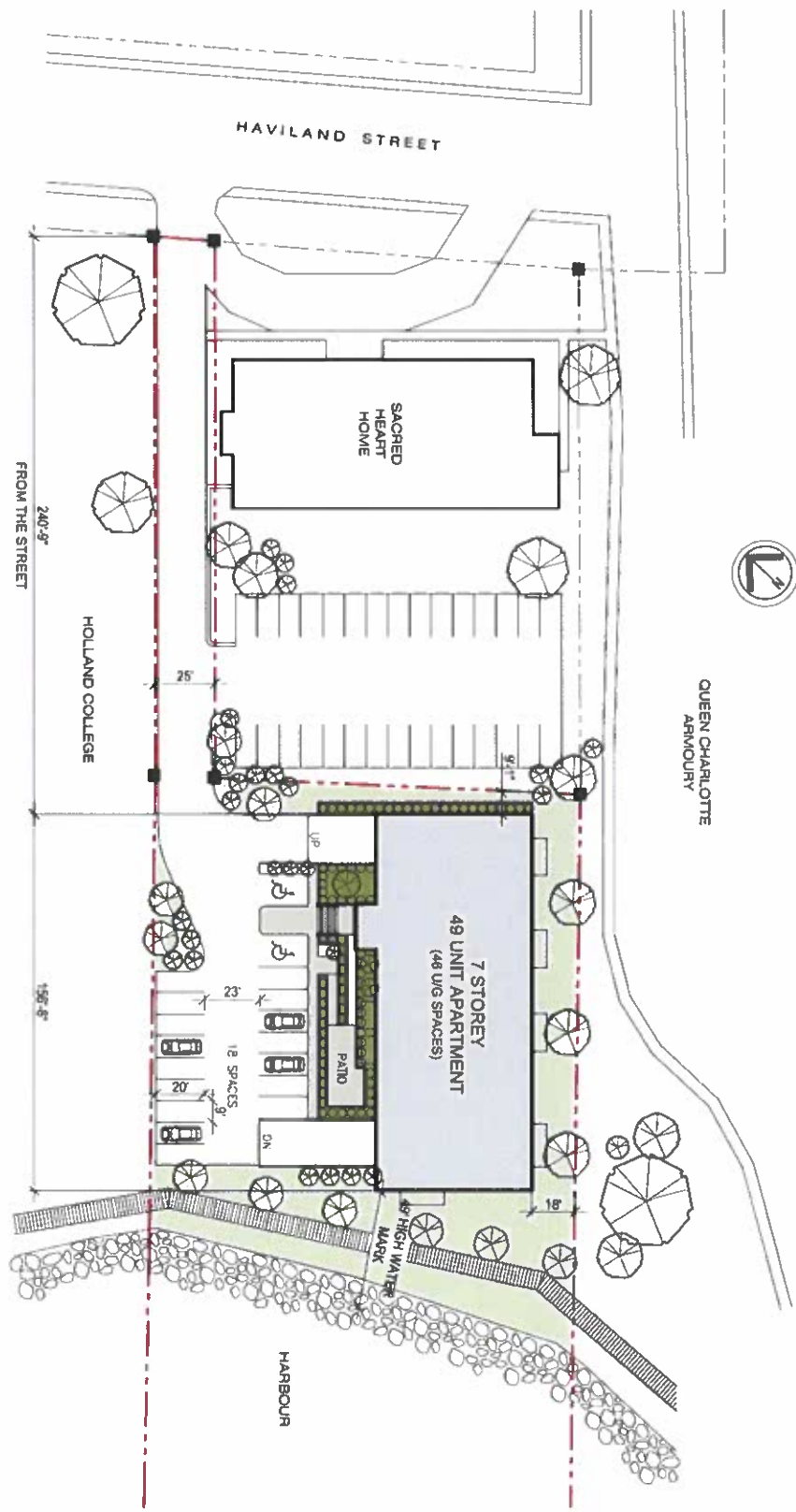
FILE#	PID	PERMIT#	APPLICATION DATE	APPROVAL DATE	DECISION	PROPERTY LOCATION	WORK DESCRIPTION	NAME	DEADLINE TO MAKE AN APPEAL
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Attachment E – Development Site Plan (December 17, 2024)

APM
ROYAL LEPAGE
COMMERCIAL

THE BANKS
Charlottetown, PE - December 17, 2024

SCALE: 1"=40'-0"
COPYRIGHT © 2024 APM COMMERCIAL 2024. REPRODUCTION OR USE OF THIS DRAWING IS PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF APM COMMERCIAL. ALL RIGHTS RELATED TO THIS CONCEPT SHOULD BE ADDRESSED TO planning@apm.ca OR 802.569.8400
SP1



TLE NO. C23/98-SP1-C1

PLANNING & HERITAGE: PLANNING BOARD MINUTES
TUESDAY, SEPTEMBER 2, 2025
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL, 199 QUEEN STREET
Live streaming at www.charlottetown.ca/video

Present: Deputy Mayor Jankov
Councillor Julie McCabe
Councillor Norman Beck

Dave Essery, RM
Bobby Kenny, RM
Jacqui Scaman, RM*
Satyajit Sen, RM*
Lea MacDonald, RM
Paul Connolly, RM

Also: Mike Ruus, Director, Int. Growth
David Gundrum, Mgr, PH*
Laurel Palmer, PIII
Michael Fraser, PII
Stephanie MacDonald, PI

Jason Doucette, IO/AA**
Melissa Kitson, IO/AA

***minute taker*
**attended virtually*

Regrets: Mayor Phillip Brown

1. Reconsideration: Haviland Street (PID# 1100635)

David G., Manager of Development Planning

Request:

This is a request to reconsider a Development Permit issued by the City of Charlottetown (Permit# 214-BLD-25) with respect to site mobilization and construction hoarding on the subject property in the Waterfront (WF) Zone. The subject property is proposed to be developed in future with a 7-storey, 49-unit apartment building.

Summary:

It was said that the request concerned a reconsideration of development permit number 214-BL25, which allowed for construction mobilization and hoarding on the property identified as P1000635. It was stated that the permit authorized a temporary construction trailer, fencing, and limited site stripping, and that it was issued on July 15, 2025. It was also said that a reconsideration request was filed on August 5, 2025.

It was stated that the subject property is a flag-shaped lot on the west side of Haviland Street, approximately 50 metres north of Water Street.

It was also said that the lot has historically been vacant and lies within the Waterfront (WF) zone of the zoning bylaw and that surrounding properties include multi-residential, institutional, and

low-to-medium density residential uses. It was also said that a photo taken by staff on August 26, 2025, showed current conditions on the site.

It was said that the development permit was issued in anticipation of a seven-storey, 49-unit apartment building proposed by APM Commercial and that the design review board endorsed the design on February 10, 2025, and that the city entered into a development agreement with the developer on March 12, 2025. It was also said that the permit was issued on July 15, 2025, and appealed to IRAC on August 5, 2025, the same day the reconsideration request was filed.

It was stated that reconsideration requires a threshold test under section 3.15 of the zoning bylaw and that an applicant must demonstrate new facts, a material change of circumstances, or clear doubt in the correctness of the original decision. It was also stated that the applicant claimed all three applied in this case.

It was said that planning staff concluded the permit was issued correctly and in conformity with requirements and that the permit was as-of-right under the zoning bylaw, requiring no public process. It was also said that the first threshold argument referenced reclaimed land, flood risk, and soil contamination, but staff confirmed that provincial agencies had cleared the site, and no contamination records were found. It was further stated that there were no new facts that would have prevented the permit's issuance.

It was said that under the second threshold, no material change of circumstances had occurred since July 15, 2025 and that the applicant argued an environmental site assessment or impact assessment was required, but staff noted the limited scope of the permit did not trigger those studies under provincial rules.

It was also said that under the third threshold, the applicant argued that variances were needed for front yard setback, side yard setback, stepbacks, and buffers. It was stated that staff concluded no variances were required. It was said that because the property is a flag-shaped lot, the pole portion does not count toward the front yard, so no variance applied. It was also said that side yard setbacks are discretionary, not mandatory, so no variance was necessary.

It was stated that stepbacks did not apply because the property has no street wall by definition, and that parking and buffer requirements were satisfied. It was also said that parking was internal to the site and not between the building and the street, and that buffers were provided as required.

It was said that planning staff concluded the applicant failed to demonstrate new facts, a change of circumstances, or doubt in the correctness of the original decision. It was also stated that staff recommended the planning board not support reconsideration of development permit 214-BL25.

Discussion:

A process question was raised regarding whether the board was recommending not to move the reconsideration request to council. It was stated that the reconsideration must still go to council regardless, but staff was recommending not to reconsider the mobilization permit that had been administered to the developer.

It was also said that if the board agreed with staff's recommendation, it would go to council, and if the board disagreed, it would still proceed to council.

It was stated that the wording of the motion was somewhat awkward and involved double negatives, which created confusion and there was discussion about whether the planning and heritage department should encourage planning board to recommend to council to deny the request to reconsider, as this would be clearer wording.

It was also stated that double negatives made the recommendation difficult for the public to understand, and clarification was requested. It was answered that the request was technically for the board to reconsider, but in effect the board was recommending that council deny the request to reconsider. It was further stated that staff had previously advised reports are not changed, but wording could be clarified through the motion itself.

It was moved to approve staff's recommendation as written, but concerns remained about confusing language. It was also said that staff reports could not be altered, but the motion placed on the floor by the board could be worded differently for clarity.

It was stated that staff explained the shift to corporate reports was intended to clearly separate committee or board recommendations from staff reports. It was also said that the board had the ability to change the language of the recommendation moving forward to council, and this would be reflected in the committee recommendation section of the report.

It was further stated that members emphasized the difference between changing the substance of a recommendation versus clarifying the language. It was said that the board was not changing staff's recommendation, only making the wording more straightforward to avoid confusion.

It was also said that a staff recommendation is not a resolution of council. It was stated that when staff make recommendations, they are often reflected in planning board resolutions, but board members have the ability to reword them for clarity and that an amendment to the resolution could be moved if necessary to make the language clearer.

It was stated that some suggested a simple change such as: "Planning board recommends to council not to allow the request to reconsider the decision." It was also said that members discussed whether the amendment should be made on the floor.

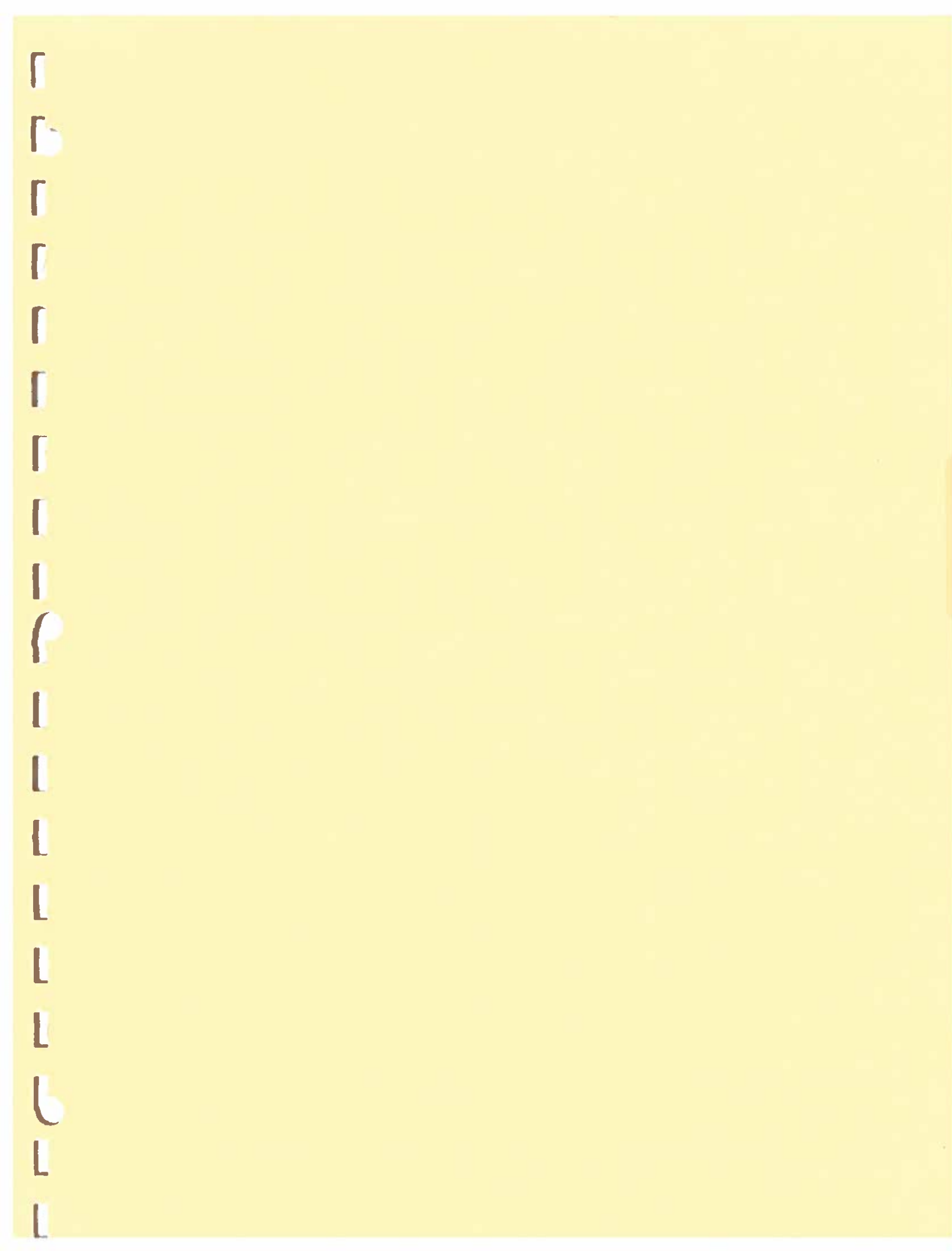
It was further stated that staff explained the wording in the report was a recommendation, but that when drafting the resolution that actually goes to council, staff would reword it with clarity, using terms such as "deny." It was also said that this approach would ensure the final motion was easier to understand and avoid confusion for council and the public and that board members were satisfied with this clarification and that the resolution would be reworded with more clarity when forwarded to council.

MOTION:

Moved by Councillor McCabe and seconded by Bobby Kenny that Planning Board to not recommend to Council to allow for the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property on Haviland Street (PID# 1100635) concerning site mobilization and construction hoarding.

**CARRIED
(8-0)**

END OF MEETING EXCERPT



PLANNING & HERITAGE: PLANNING BOARD MINUTES
TUESDAY, SEPTEMBER 2, 2025
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL, 199 QUEEN STREET
Live streaming at www.charlottetown.ca/video

Present: Deputy Mayor Jankov
Councillor Julie McCabe
Councillor Norman Beck

Dave Essery, RM
Bobby Kenny, RM
Jacqui Scaman, RM*
Satyajit Sen, RM*
Lea MacDonald, RM
Paul Connolly, RM

Also: Mike Ruus, Director, Int. Growth
David Gundrum, Mgr, PH*
Laurel Palmer, PIII
Michael Fraser, PII
Stephanie MacDonald, PI

Jason Doucette, IO/AA**
Melissa Kitson, IO/AA

***minute taker*
**attended virtually*

Regrets: Mayor Phillip Brown

1. Reconsideration: Haviland Street (PID# 1100635)

David G., Manager of Development Planning

Deputy Mayor Jankov: Okay. The final, the final application today is an application for a reconsideration at Haviland Street, PID 1100635. It's a request to reconsider a Development Permit issued by the City of Charlottetown with respect to site mobilization and construction hoarding on the subject property. And that will be presented by David Gundrum who is online this evening. Over to you, David.

David Gundrum: Thank you, Chair Jankov. And good evening, members of Planning Board, those in attendance. My apologies that I was unable to be there today as I took a sick day today. I'm still feeling a little bit under the weather. But I'll get through the presentation, and we'll move on to any questions that the board may have. Jason, I'll just prompt you at each point to forward the slide for me from in in the room there.

Jason Doucette: Yep.

David Gundrum: Next slide, please. So, as the Chair mentioned, this is a request to reconsider issuance of a Development Permit, specifically permit number 214-BLD-25, which allowed for construction mobilization and construction hoarding on the subject property identified as PID 1100635 as highlighted in blue on the air photo on the screen. More specifically, this permit

allowed for the establishment of a temporary construction trailer, temporary construction fencing, as well as limited sight stripping on the subject property. The development permit in question was issued on July 15th, 2025, and the subsequent request for reconsideration was filed on August the 5th, 2025 with the City of Charlottetown. Next slide, please. Subject property identified as PID 1100635 is a flag-shaped lot located on the west side of Haviland Street, approximately 50m north of the intersection with Water Street. Subject property has historically been vacant containing no buildings or structures. Subject properties within the Waterfront WF Zone of the City's Zoning and Development Bylaw, surrounding properties contain multi-residential, institutional, as well as low to medium density residential uses. The photo on the screen is a site photo that was snapped approximately a week ago on August 26th by City Staff just to show current conditions on the site with respect to the activity under permit. Next slide please. As mentioned, the site is currently under active development via the Development Permit 214-BLD-25, which authorized establishment of a construction trailer, construction fencing on the site in addition to limited site preparation outside of a normal construction permit. The issued permit is in anticipation of the construction of a future 7-storey 49-unit apartment building on the subject property. The image on the screen is a site plan that was provided in support of the development permit that was issued. And just a note that the developer in question is APM Commercial. Next slide please. So just a rundown of the history, recent history to date regarding this proposed development. Back on February the 10th, 2025, Design Review Board endorsed the proposed building design for the 7-storey, 49-unit apartment building. On March the 12th, 2025, the City entered into a Development Agreement with the developer following legal review of the draft agreement. On July 15th, the City issued the Development Permit up for reconsideration at the present time. That request for reconsideration was received on August the 5th. And also, on August the 5th, the same party appealed the noted Development Permit to IRAC, to the Island Regulatory and Appeals Commission. Next slide please. So, I'll just give a brief overview of the reconsideration process and then we'll move into our evaluation of the three threshold tests. So, there's going to be a lot of text on the remaining slides before you, just as an FYI. So, in order for an application to be reconsidered, there are two stages to a reconsideration request. When an applicant requests reconsideration, the application is required to pass a threshold test. To pass the threshold test, the applicant must provide sufficient particulars in the request to show that the request falls within the stated grounds contained within Section 3.15 of the Zoning and Development Bylaw. Quoting from the Zoning and Development Bylaw under Section 3.15.3, Council may review, rescind, change, alter, or vary any order or decision made by the Development Officer or Council. And Council may reconsider any application under this section provided that a) new material facts or evidence not available at the time of the initial order or decision have come to light; or b) a material change of circumstances has occurred since the initial order or decision; or c) there is a clear doubt as to the correctness of the order or decision in the first instance. If after receiving a recommendation from the Board, Council, City Council determines that the request passes the threshold test, any one of the three or two or all three, reconsideration will be given based on the merits of the application. Next slide, please. The application is currently at that threshold test stage. Staff have reviewed the initial application and

the grounds put forth by the applicant for reconsideration. The requesting party for reconsideration is basing the request on all three threshold tests as shown under Section 3.15. Next slide. On the basis of the applicant submission, the permit was found by Planning Staff to conform to all requirements that were necessary to issue the permit. On this basis, it was concluded at the time in July that the permit was deemed to be as-of-right under the provisions of the Zoning Bylaw and could be issued without any need for an application under the Planning Act that would require public consultation or a public process. Next slide, please. Regarding the first threshold test, new material facts or evidence not available at the time of the initial order decision. In the applicant's correspondence, there is reference made that the subject property is historically reclaimed land that was filled in during the 1950s. And as such, the property exists within a high-risk flood hazard area and that the quality of local soils are suspect to potential existing environmental contamination. It should be made clear that while the mapping may identify the site as being within a high-risk flood hazard zone, there are no implementing regulations guided by legislation and enforced by either the Province or the City of Charlottetown that would prevent development in proximity to the shoreline on the basis of flooding hazard save and except for within the 15m buffer zone as detailed under the Province's Environmental Protection Act or EPA Watercourse and Wetland Protection Regulations. At the time the permit was issued, contact was made with Provincial Staff and clearance was obtained with respect to the EPA Watercourse and Wetland Protection Regulations for the specific permit. And similarly, Provincial Department of Environment Staff responded with respect to the quality of earth and materials and confirmed that there existed no record of contamination for the subject property as far as the Province is concerned. Next slide. Further to this test, on this basis, there are no new material facts or evidence available that would have precluded or prevented the City from issuing the original permit as it concerns applicable and identified Provincial regulations to date. There were also no regulations within the Zoning and Development Bylaw that would have precluded the City from issuing the permit either on the basis of its scope. Next slide. Moving on to the second threshold test, a material change of circumstances has occurred since initial order or decision. Since the issuance of the Development permit on July 15th, no material change of circumstance has occurred since that initial order or decision that would have affected the issuance of the permit. The factors that allowed the City to issue the Mobilization permit at present exist the same as when it was originally issued on July 15th. In their submissions, the reconsidering party has stated that under Sections 3.3.9.d and 3.3.9.e of the Zoning Bylaw, that permit for site mobilization and hoarding should have been rejected until after an Environmental Site Assessment (ESA) or an Environmental Impact Assessment (EIA) had been completed. As the permit only authorized installation of a construction trailer and construction fencing on the site, as well as limited stripping of material from the property, these activities as well as the history of the property were not confirmed by the Provincial Department of Environment as passing the thresholds necessary to warrant the need for either an ESA or an EIA study. Next slide, please. Moving on to the third threshold test, that whether there is a clear doubt as to correctness of the order or decision in the first instance. In their submissions, the applicant stated that there exists clear doubt as to the correctness of the order or decision in the first instance

claiming that there would have been need for variances by which to issue the permit in the first place. The applicant notes or the reconsidering party - I'll use those two terms synonymously here. The applicant notes that variances for maximum front yard setback, maximum side yard setback, step back from interior lot lines, and land use buffers would be needed, and that overall, the permit should not have been issued as it did not conform with all provisions of the City's Zoning and Development Bylaw. Next slide, please. With respect to maximum front yard setback, it needs to be made clear that the property in question is a flag-shaped lot. And as such, in relation to Section 48.12.3.d of the Bylaw, no portion of the access strip or pole portion of the lot shall be included in computing the required lot area for the flag portion. And therefore, this portion, the pole portion, is also not accounted for in defining any portion of the front yard for the lot. On the basis of the site plan that was received, the front yard setback to the north wall of the proposed building would not exceed the maximum distance of 4 meters otherwise required by the Waterfront (WF) Zone given the ability to discount the access strip or pole portion of the lot from this defined yard in this case. Therefore, no variance is required with respect to allowable maximum front yard setback. Next slide. And these are just a couple of images to illustrate that point. And the quotation from the Bylaw Part D of that subsection, no portion of the access strip pole portion of the lot shall be included in computing the required lot area for the flag portion. Next slide. With respect to maximum side yard setback, the Bylaw under Section 30...34.3 rather states that a setback may be permitted but not to exceed 20% of the lot width or lot depth. A key term invoked here is the word "may" rather than "shall", which means that this is not a hard requirement that must be adhered to through the Bylaw and is optional in its application at an operational level based on the dynamics of a given site or property. Therefore, no variance is required in this case because the need for a maximum side yard setback can be waived in this instance on the basis that there would be limited need to apply one based on potential land use impacts with respect to abutting lots to the north and south of the subject property. Next slide. With respect to the building step backs that are referred to in the applicant's letter relating to Section 34.3 of the Zoning Bylaw, it is important to note the following definitions that are contained under Appendix A of the Bylaw that interrelate to where step backs may be required. The word "step back" as defined by the bylaw means a specified horizontal recess from the top of a street wall which shall be unobstructed from the street wall to the sky except as otherwise specified. "Street wall" means the wall of a building or portion of a wall facing a street line that is below the height of a specified step back or angular plane which does not include minor recesses for elements such as doorways or intrusions such as bay windows. And lastly, "Street line" means the division line between a street and a lot providing the primary access to any lot and abutting along its length or required frontage. Due to the fact that the lot geometry being flag-shaped and location of the lot with respect to Haviland Street completely precludes the ability to establish a street wall by definition at all for any potential future building, this implies that step backs by their definition cannot be applied to the proposed building due to the inability to actually have a street wall. Therefore, no variance is required in this case as the ability to create a street wall to which step backs would relate to through the definitions and be triggered under the regulation simply does not exist or could never exist given the existing geometry of the lot with

respect to Haviland Street in its current flag-shaped format. Next slide. In their submission, the applicant states—and this is getting into the last point—under this threshold test, land use buffers. In their submission, the applicant states that Sections 46.11.4 and 46.11.7 of the Bylaw are equally not being adhered to as it regards land use buffers with respect to parking and positioning of said parking. In correlating the site plan provided by the developers, all requirements have been found to be met. The proposed parking does not front directly to the street and is instead internal to the site beyond the access driveway or the pole portion of the flag-shaped lot. No 2-m buffer is required with respect to the street as per section 46.11.4. Additionally, the minimum buffer of 1.5m required along all lot lines is exclusive of driveway use under this section and is otherwise provided along the perimeter of the parking areas as needed. With respect to Section 46.11.7, there is no parking that is being provided directly between the building and a street and therefore no variance is required in this case as the ability to meet all buffer requirements can be assured. Next slide, please. And this is just a site plan to show again the proposed positioning of the parking. Again, there's no parking between the building and Haviland Street. But all buffers have an ability to be provided for. And again, there's no buffer that's required for the pole portion or access driveway portion of the bill of the development. Next slide please. So, to conclude, based on our evaluation, the Planning and Heritage Department encourages Planning Board not to recommend to Council to allow for the request to reconsider a decision of the City to issue a Development permit. Permit number 214- BLD-25 as it pertains to unaddressed property on Haviland Street PID 1100635 concerning site mobilization and construction hoarding. That is the summary of the reconsideration request, our review and evaluation and recommendation to the Board. And I'll turn it back over to the Chair for further discussion. Thank you.

Deputy Mayor Jankov: Thank you for that, David. Wow, that's a lot of work. Appreciate that. So, the Staff are recommending that...to not reconsider this application. So, as Councillor Beck pointed out, do we want to put a motion on the floor first and then we'll talk? Okay. So, that's moved by Councillor McCabe and seconded by Bobby Kenny. All right. So, the motion's on the floor. Any questions? Councillor Beck.

Councillor Beck: Just a process question. So, we recommend, we're recommending to not move this to Council for reconsideration. Correct?

Deputy Mayor Jankov: So, the reconsideration I think, still has to go on to Council. So, we recommend that we — so, Staff is recommending that we do not reconsider the mobilization permit that staff had administered to the developer. And so, if this Board agrees with Staff's recommendation, then that will go on to Council. And if we disagree with Staff recommendation, it still goes on to Council. Yeah. So, either way.

Councillor Beck: Let me see the wording again because it's...Bobby and I were talking. It's one of those ones where it's kind of an awkwardly worded...we're getting into double negatives. You

know what I mean? Like, I understand the nature of it but just let me reread it again from the request.

Deputy Mayor Jankov: Oh, I see what you mean.

Councillor Beck: So, we're encouraging Planning Board not to recommend to Council. So, we're supporting you there. It's all to allow for the request to reconsider.

Deputy Mayor Jankov: I know what you mean, Councillor Beck. You're thinking maybe if it was worded, "The Planning and Heritage Department encouraged Planning Board to not recommend the reconsideration..."

Councillor Beck: ...like it almost should say the Planning and Heritage Department encourages Planning board to recommend to Council to deny the request to reconsider. I think that's a little clearer. It's just getting into a lot of double negatives here. And I think if we're kind of struggling with it, if John Q Public is reading this, they might...I get what the intent was, but um...so the...and I don't know if that goes against...because the request is for us to reconsider, but we're really denying that request to reconsider. We're recommending to Council to deny the request to reconsider. So, I guess maybe the wording, if we could change the wording on that just to make it a little bit clearer.

Deputy Mayor Jankov: That would be great, but we were just told four applications ago that reports are never changed. It's reflective in the minutes. So...

Councillor Beck: But I think we're reflecting it in the actual motion. The motion that we're putting on the floor. Councillor McCabe moved to approve staff's request.

Deputy Mayor Jankov: Recommendation. And the way the recommendation is written is the way it is verbatim there. So, if you're asking staff...and I don't disagree, Councillor Beck...to have the wording a little clearer, but we were just told that we can't change a report. Go ahead, Mike or Laurel.

Mike Ruus: Madam Chair, I just want to bring to your attention. So again, part of the reason why we're shifting to the corporate reports is to make it clear...Committee or Board recommendations versus the staff report. So, on page 42 of the agenda package, there is the Committee recommendation, if it's differing from staff. So, if Committee or the Board in this case wants to change the language for the recommendation moving forward to Council, you have the ability to do so. And that would be reflected in that box in the report moving forward to Council. If that makes sense.

Deputy Mayor Jankov: It does make sense, but I challenge that. That we're not changing the recommendation. We're just changing the wording. So that also lends itself to confusion because we're not differing staff's recommendation. We're just asking for it not to have the double negatives in it. Right?

Councillor Beck: That's basically...I'm just trying to simplify the language as much as we can. And I understand the intent. But you know, if you're reading it afterwards, you have to go with what the report is saying. And if you're reading it, you might be kind of confused. Well, what did they actually...did they vote for that? Or did they vote against that? Like, you know, it's just...I'm just trying to say if we can come up with a clear language.

Satyajit Sen: Madam Chair.

Deputy Mayor Jankov: Go ahead, Sen, and then over to you, Laurel.

Satyajit Sen: Thank you, Madam Chair. Two points here. First of all, a staff recommendation is not a resolution of the Council ipso facto. And second thing is that, when staff make a recommendation to the Planning board, it is often reflected in the resolutions that Planning Board adopts. However, the language...and I agree with Councillor Beck in this case...this is, this could be very confusing. A simple change in the recommendation...Planning Board to recommend to council not to allow the request to reconsider a decision...and that would suffice the requirement. If it requires, since the resolution is on the floor, I may put a resolution to amend the resolution on floor.

Councillor Beck: So, would the purpose of the amendment be to reword the resolution? Is that what we're doing here?

Councillor McCabe: We've done this before where I know we can say, I am moving that we support Staff recommendation to not reconsider the application that was currently there. Can we just say it that way?

Deputy Mayor Jankov: Laurel, you wanted to speak? Go ahead.

Laurel Palmer: So, what's in the report is a recommendation. The Staff or the board, Madam Chair, will pass their resolution at the Board which we will, as staff, go back, and we will draft the resolution that actually goes to Council. And in that resolution, we will say deny. A lot of times when you get reports here, and there's a recommendation, when we go back to the office and we actually draft the resolution that goes forward to Council, it's reworded with more clarity. So, this is just a recommendation. We can change that not to deny.

Deputy Mayor Jankov: Amazing. Perfect.

Laurel Palmer: That will be changed when it goes forward.

Deputy Mayor Jankov: Yep. That makes sense. Yep. Appreciate the clarity. Yep. Okay. So, resolution is on the floor. All those in favor of accepting staff's recommendation? Sen and Jacqui?

Satyajit Sen: In favor, Madam Chair.

Jacqui Scaman: In favor, Madam Chair. Thank you.

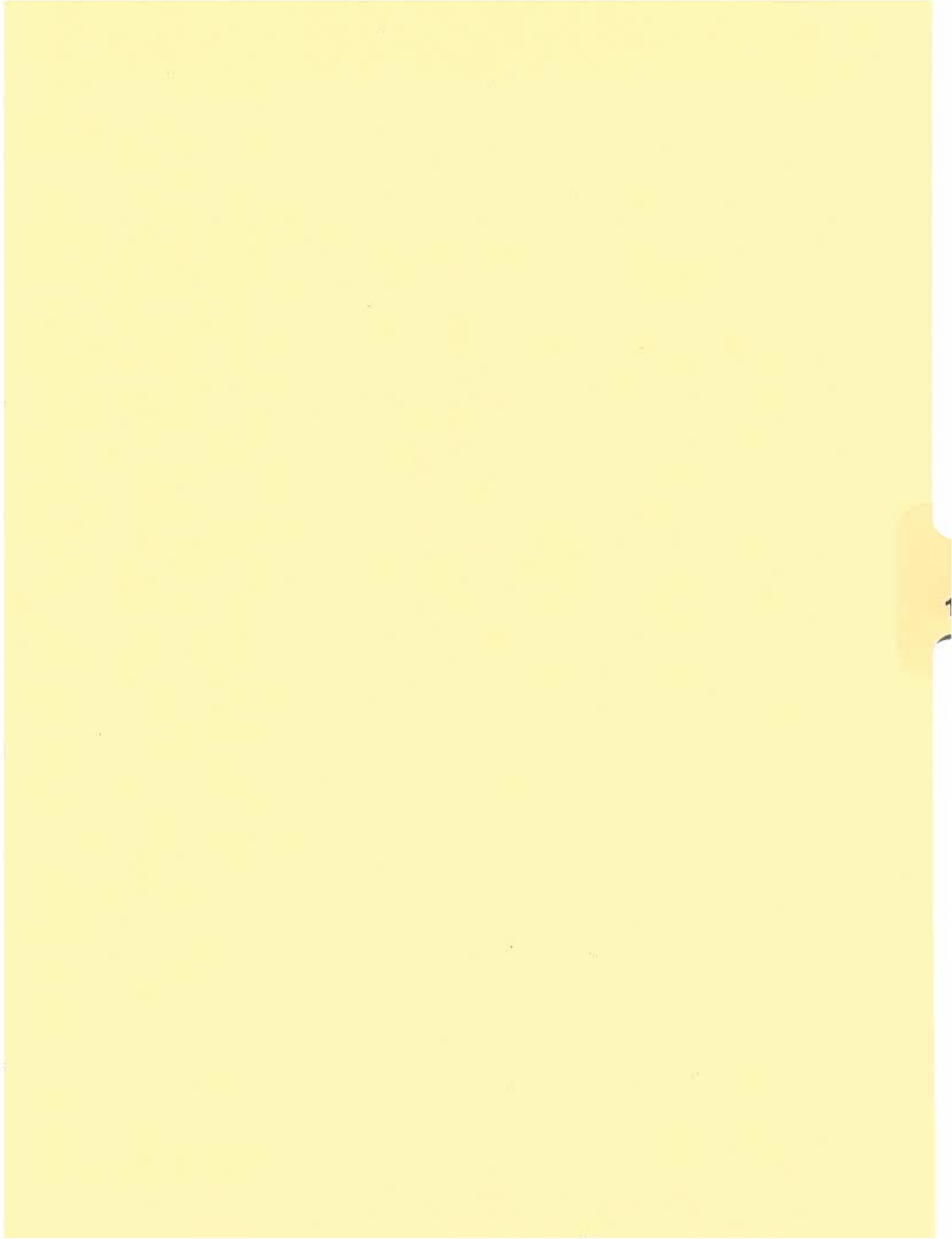
Deputy Mayor Jankov: Thank you. Thanks everybody. That's great. That concludes our agenda items.

MOTION:

Moved by Councillor McCabe and seconded by Bobby Kenny that Planning Board to not recommend to Council to allow for the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property on Haviland Street (PID# 1100635) concerning site mobilization and construction hoarding.

**CARRIED
(8-0)**

END OF VERBATIM MINUTES





**CITY OF CHARLOTTETOWN
REGULAR MONTHLY MEETING OF COUNCIL
COUNCIL CHAMBERS, CITY HALL, 199 QUEEN STREET
TUESDAY, SEPTEMBER 9, 2025, at 5:00 PM**

Verbatim Excerpt re: Request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property located on Haviland Street (PID# 1100635).

Mayor Philip Brown presiding

Present:

**Deputy Mayor Alanna Jankov
Councillor Terry Bernard
Councillor Kevin Ramsay
Councillor Norman Beck
Councillor Justin Muttart**

**Councillor Mitchell Tweel
Councillor Bob Doiron
Councillor Julie McCabe
Councillor John McAleer**

Also:

**Brad MacConnell, CAO
Richard MacEwen, DCS
David Gundrum, PDM
Jessika Corkum-Gorrill, ESM
Lane Pineau, FM
Emilee MacLeod, HRM
Christopher Drummond, PRAM
Jessica Bradley, ASCO
Tracey McLean, PRC**

**Michael Ruus, DIG
Jennifer McCarron, DPC
Shane Jones, BIM
Joshua McInnis, UM
Ylber Gashi, PWM
Wayne Long, EGAM
Rory Chaisson, ITO
Karen Campbell, CS**

Regrets:

**Councillor Trevor MacKinnon
Donna Miller-Ayton, PPHM**

Tim Mamye, FC

8. REPORTS OF COMMITTEES/RESOLUTIONS/BYLAWS READING

8.2 Planning & Heritage – Deputy Mayor Alanna Jankov, Chair

- Councillor Beck left the meeting at 6:39 PM.

**Moved by Deputy Mayor Alanna Jankov
Seconded by Councillor Julie McCabe**

RESOLVED:

That the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property located on Haviland Street (PID# 1100635) concerning construction mobilization on the subject property be denied to continue through the reconsideration process.

Mayor Brown: Councillor Tweel.

Councillor Tweel: Thank you. Late this afternoon all members of Council received an email outlining a number of concerns from a chronological perspective as to a number of issues that were outlined in

that email. I don't know if Council had the time to go all through these particular items; they are all itemized, well written and I think the first course of action from the community was to file a reconsideration here with the City of Charlottetown and then at the same time, simultaneously in obedience filed an appeal with IRAC so I guess the question is, all the issues that were outlined here I don't know if you had a chance to get a copy of the email gentlemen in the Planning Department. My question is this, after review of every one of these points that were outlined, what is your estimation of success when this goes to IRAC. Will the City of Charlottetown be successful in denying this reconsideration and staying the course? What's the probability either way? That's my first question.

Mayor Brown: That has to go through the Chair. Chair, do you want to answer that?

Deputy Mayor Jankov: Well, what the probability is for success going through IRAC, I don't have an answer for that but I can tell you that the staff, in their opinion and in their recommendation, is that they believe that the reconsideration at this stage of the game has not met the three thresholds that are required to meet a reconsideration. I've also asked if Manager Gundrum or Director Mike would be able to speak to some of those points that have been highlighted today in that email that could, you know, I know a lot of them were highlighted already in Mr. Gundrum's report when it came through the Planning Board but if there is anything else before we continue to debate this resolution, if there is anything else David that you can add to that without putting you on the spot. I am not even sure if you had a chance to read it as it came in later in the day and if that is appropriate to ask you if there were any items in those concerns that were had by the residents in their reconsideration application.

Mayor Brown: Mr. Gundrum.

David Gundrum, PDM: Through the Chair to the Deputy Mayor and Chair of Planning Board, there is nothing...I did have a chance to review that email and there is nothing raised as points in that email that was not otherwise covered under our Planning report to Planning Board which is contained in your package and contains our recommendation to the Board to then be recommended to Council so I don't have anything further to add. I think everything was covered off in our report.

Mayor Brown: Councillor Tweel.

Councillor Tweel: In your report, there had been discussions with the province as you work through the process in terms of permits being issued. I wondered Chair just from where we are at this moment in the work in progress, can you please tell me and maybe tell the audience what permits have been issued thus far and what is the recourse besides the reconsideration that was filed by the residents in the west-end of the city and in the terms of public consultation, have we exhausted all those opportunities for the residents to have an opportunity to consult with the Planning Department and Senior Management. You know, they have taken the time; there's a lot of questions, many questions. They got a petition. I don't know, they have been very determined, very, very concerned about this particular property. It's on the waterfront. Everything from that greenspace has to offer, the boardwalk, a lot of these issues they've been very professional in their approach and I just want to make sure the residents in this community get a fair hearing. That's my motivation. I want them to get a fair hearing so that they feel it was done, truly, in an open and transparent manner. Truly, in an open and transparent manner and that there are no regrets because this battle has been going on for a while; I think it's been five years now. Our job is to make sure all perspectives are brought to the table. All perspectives. Thank you.

Mayor Brown: Again, Councillor Tweel, it has to go through the Chair because the Chair is responsible for this and this goes back to 2019, six years ago. 2018 is when they changed the zoning to waterfront

that didn't permit and we went through that with Louise Aldren and her group; it doesn't permit public consultation. Do you want to add what he's asking?

Deputy Mayor Jankov: Thank you Councillor Tweel. So, your first question was what's the stage of this project and what permits have been applied for or issued. I think that was your first question. So, at this stage, one permit has been applied for and granted from the Department of Planning & Heritage and that is for a mobilization permit and at this stage, that's the only permit that has been applied for and the only permit that has been granted. So that is where we are at with the project. So, when it comes to reconsideration, it's an odd little thing that we have in our Zoning & Development Bylaw that gives anybody and anytime an opportunity to ask for a reconsideration of a Council decision or a Staff decision. So, in this situation, these folks are asking for a reconsideration of a Staff decision on a permit they granted for a project that may or may not happen. We can only assume it's going to happen because they asked for a mobilization permit so clearly, they plan to move forward on this and if they move forward on this project, and they adhere to the existing bylaw then that is what we call an as-a-right build and that means there is no public consultation. It's no different than if you apply for a building permit to build a house in a subdivision. If you don't need setbacks and you don't need a rezoning and you don't need a variance and you don't need anything like that then that happens at the staff level.

Now, these folks have the opportunity to submit applications for any reconsiderations they want going forward but going forward right now tonight what is on the floor is a reconsideration for the mobilization permit that was granted by the Planning & Heritage staff. The Staff has recommended that they do not feel it needs to be reconsidered. The Planning Board agreed with the Planning Staff so it's here this evening with two recommendations, one from Staff and one from Board that it does not meet the threshold that is required for a reconsideration. That's about the only thing that we had to even talk about at this stage because that is all we know right now; one permit and we are moving it along. One permit at a time because that is all the information that we have right now.

Mayor Brown: Thank you, Deputy. Councillor Tweel. Third time.

Councillor Tweel: So, I did ask about as we work through the process, right, you can tell by the people that are here tonight that they are very, very interested in what's happening in their community. I am understanding from what you just stated that as we work through the process that there will be no public consultation permitted because of the zoning? There's no alternative? There's no options, opportunities for the residents in this community? They are very concerned about the boardwalk, they are concerned about the greenspace, very concerned about the view of the harbour and there are many other issues that are associated with the campaign they launched and they have been very consistent. I know the developer wants to move forward as well but I just want to make sure the folks that are here tonight get a fair hearing.

Mayor Brown: Deputy.

Deputy Mayor Jankov: Thank you Councillor Tweel. Because of our Zoning & Development Bylaw, if the rules are followed that are provided in our Zoning & Development Bylaw then therefore both Staff and Council are bound by them. Where we are on this is one permit has been applied for, staff felt it met the criteria. It was not asking for anything more than mobilization at this stage however, we don't know what the future brings in terms of we don't know the next permit the developer may ask for. Maybe he or she will require a variance. Maybe they will require additional setbacks; maybe they will require that but at this stage, the first permit was an as-a-right permit so if the next permit doesn't adhere to the existing bylaw, then basically, they will be asking for us to bend the rules for them and that's when the public comes into play. So if we are not bending the rules and changing the rules then

there is no public consultation but where the public can get more involved is as we go forward on the changes to our Zoning & Development Bylaw, I encourage everyone to get involved, be active, follow the surveys, come to the meetings, have your voices heard; that's where change can happen if there is change that you want. That's what I got right now, Councillor Tweel. I hope that answers your questions, for now.

Mayor Brown: Deputy, going back to that meeting in 2019, I know Doug MacArthur was there and it was very clear there was a resolution July 18, 2018 that changed the zoning and prior to that zoning, any new development on the waterfront required public consultation so that's how it went. OK. Questions called. All those in favour please raise your hand. All those against.

CARRIED 7-1
Councillor Tweel opposed

END OF VERBATIM EXCERPT



CITY OF CHARLOTTETOWN RESOLUTION OF COUNCIL

2025-COCR-0175

Planning & Heritage
#4

MOTION CARRIED

MOTION LOST

7-1 (Councillors
Mackinnon
and Beck
absent)

Councillor
Tweed opposed

Date: September 9, 2025

Moved by Deputy Mayor

Alanna Jankov

Seconded by Councillor

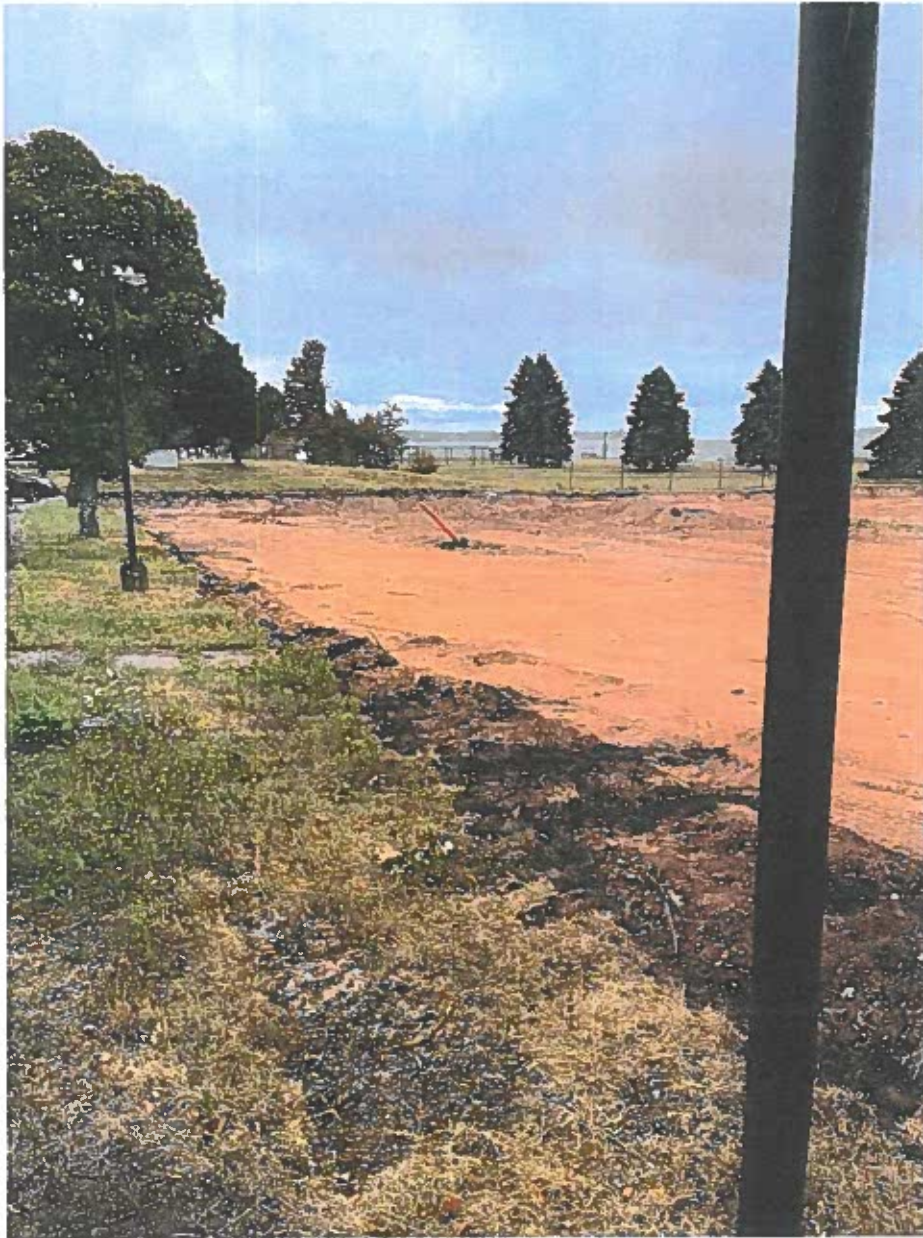
Julie McCabe

RESOLVED:

That the request to reconsider a decision of the City to issue a Development Permit (Permit# 214-BLD-25) as it pertains to unaddressed property located on Haviland Street (PID# 1100635) concerning construction mobilization on the subject property be denied to continue through the reconsideration process.













May 13, 2025

Meeting in person at Fire Station 1

Spoke to resident, Bob, of [REDACTED] regarding his concerns about the proposed new apartment building on the property towards the water. David in Planning suggested he speak to us. Told him we have not received any plans as yet but when we do, we would only be able to comment on whether it meets code or not. I mentioned that our main concern would be access and that they would need to ensure that there is an access route at least 6 m wide (approximately 20 ft).

FI Stavert

Stavert, Robert

From: Mitchell, Kent
Sent: June 9, 2025 12:04 PM
To: Louise Aalders
Cc: Mamy, Tim; Stavert, Robert
Subject: RE: Proposed 15 Haviland St project

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Louise,

Please let me know when would be convenient to discuss your concerns?

Regards,

Kent

Kent Mitchell
Deputy Fire Chief
Charlottetown Fire Department

City of Charlottetown
PO Box 98, 199 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 7K2
Office: 902-629-4081
Cellular: 902-388-8779
Fax: 902-894-7751

kmitchell@charlottetown.ca
www.charlottetown.ca



From: Louise Aalders <aalderslouise@gmail.com>
Sent: Monday, June 9, 2025 10:37 AM
To: Mitchell, Kent <kmitchell@charlottetown.ca>
Subject: Proposed 15 Haviland St project

You don't often get email from aalderslouise@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I was wondering if I could have a few minutes of your time to meet concerning the possible development of the above project.

The residents of 13 Haviland have concerns about access to and from our building, as well as the proposed building with regards to fire/emergency access.

I realize your time is valuable, but would appreciate any input from your department.

Thank you on behalf of the residents of 13 Haviland St.

Louise Aalders

Kitson, Melissa

From: Kitson, Melissa
Sent: Friday, June 13, 2025 3:56 PM
To: Gundrum, David; Cain Arsenault
Cc: Tim Banks; Ian Harper
Subject: RE: Haviland Street

Hi Cain,

Happy to help with this. The permit fee is \$100.00.

Please feel free to call or drop by the office to arrange payment, at your convenience.

Best Regards,

Melissa Kitson
Intake Officer/Administrative Assistant

City of Charlottetown
Planning & Heritage Department
70 Kent Street, Suite 100
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Office: 902-629-4158
Fax: 902-629-4156

mkitson@charlottetown.ca
www.charlottetown.ca



From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: Thursday, June 12, 2025 12:01 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Thank you Cain, received.

Melissa, please respond back to Cain with any further details as required.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown

Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>

Sent: Thursday, June 12, 2025 11:29 AM

To: City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>

Cc: Tim Banks <tjm@apm.ca>; Ian Harper <iharper@apmmaclean.ca>

Subject: Haviland Street

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Melissa/David,

See attached permit application for Site Mobilization down at Haviland street.

If there is a fee required for this let me know,

Thanks,

Cain Arsenault

Design Technician • APM Commercial

21 John Yeo Drive, Unit 2
Charlottetown, PE, Canada C1E 2A1
tel **902-569-8400 ext 313**
cel **902-314-7624**
fax **902-569-1149**
email carsenault@apm.ca
www.APM.ca

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Mailing: 233 Queen St,
Charlottetown, PE, C1A 4B9
Email: planning@charlottetown.ca

Tel: 902-629-4158
Fax: 902-629-4156
Website: www.charlottetown.ca

For Office Use Only

File #:	Zone:
Permit #:	Permit Fee:
PID #:	Received:

BUILDING & DEVELOPMENT PERMIT APPLICATION

1. TYPE OF WORK

☐ New Building ☐ Renovate Existing ☐ Addition ☐ Change Use ☒ Other: Site Mobilization

2. CONTACT INFORMATION

APPLICANT Name: APM Commercial (attn. Cain Arsenault) Address: P.O. Box 2859
Phone: (902)569-4000 Cell: _____ Charlottetown
Email: carsenault@apm.ca Postal Code: C1A 8C4

OWNER Name: Pan American Properties (attn. Tim Banks) Address: _____
Phone: _____ Cell: (902) 628-7313
Email: _____ Postal Code: _____

CONTRACTOR,
ARCHITECT,
OR ENGINEER Name: APM MacLean (attn. Ian Harper) Address: P.O. Box 2859
Phone: (902)569-4000 Cell: _____ Charlottetown
Email: iharper@apm.ca Postal Code: C1A 8C4

3. PROJECT INFORMATION

Project Location: Haviland Street (PID 335448)
Proposed Occupancy: Residential
Current Occupancy: Vacant Land
(If Existing Building on Lot)
Estimated Value of Construction: \$ N/A
Corner Lot: Yes: ☐ No: ☒ Other Buildings on Lot? Yes: ☐ No: ☒ If yes, identify use: _____
If Building/Addition is under 20m², will the Grades be changing? Yes: ☐ No: ☐ Not Applicable: ☐

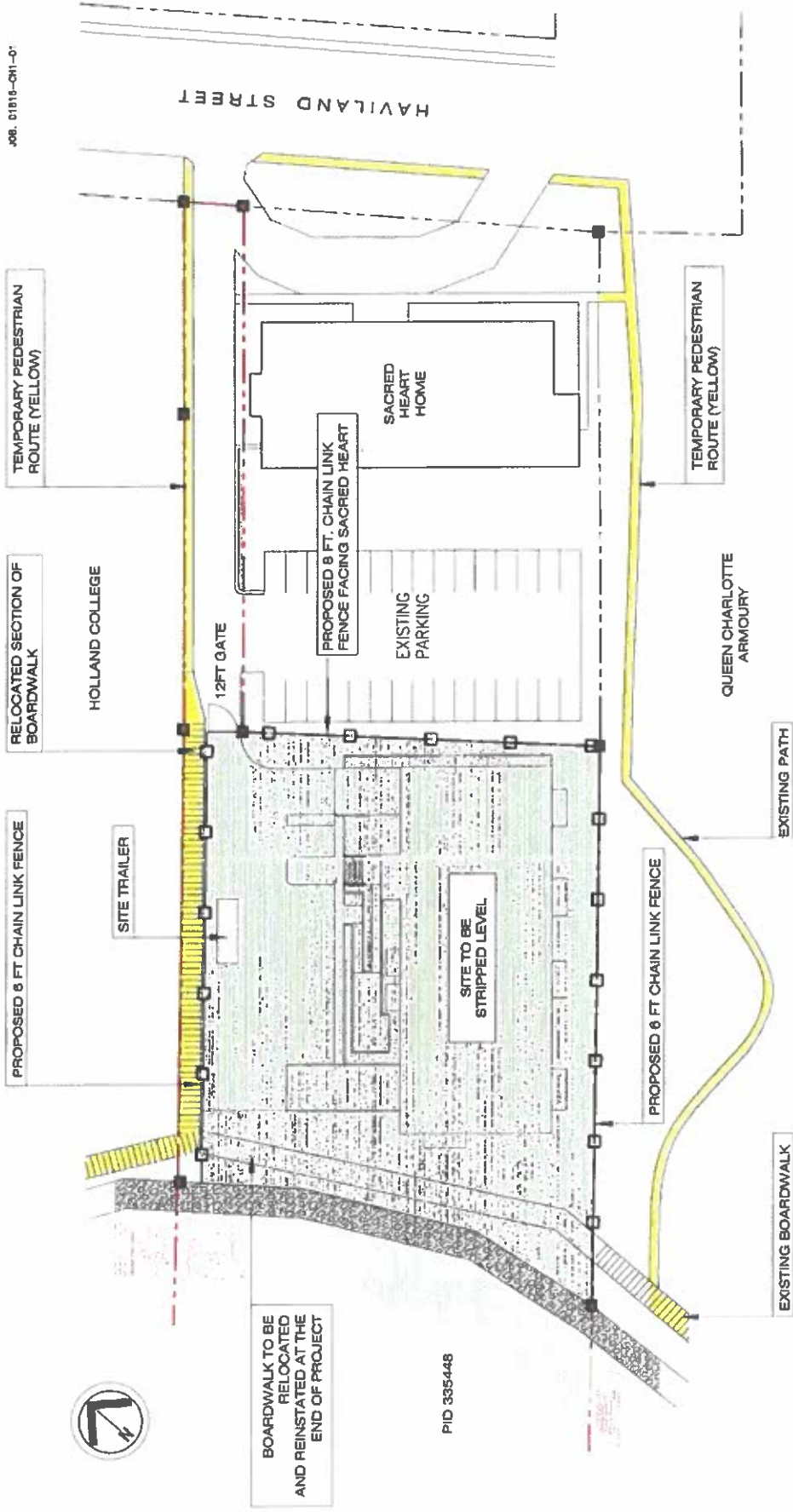
4. DETAILED PROJECT DESCRIPTION

Site mobilization and construction hoarding for new apartment building

THIS IS AN APPLICATION ONLY

Page 1 of 2

See Reverse for Additional Information



SCALE - 1"=40'-0"

SITE MOBILIZATION & HOARDING PLAN - CH-1

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APM ROYAL LEPAGE
COMMERCIAL

THE HAVILAND
Charlottetown, PE - JUNE 12, 2025

Kitson, Melissa

From: Cain Arsenault <carsenault@apm.ca>
Sent: Monday, July 14, 2025 9:22 AM
To: Gundrum, David; City Planning; Kitson, Melissa
Cc: Tim Banks; Ian Harper
Subject: RE: Haviland Street
Attachments: Receipt.pdf

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

Another week has gone by and still no permit or update?

Our Payment was made back in June and just getting this receipt now.

Cain Arsenault
carsenault@apm.ca
902-569-8400 (ext 313)
902-314-7624 (cell)

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: July 3, 2025 1:04 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Hi Cain,

I've been off since last week and if this hasn't been issued by now, we'll move to have it out by tomorrow if there is no issue (which I assume there isn't).

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>
Sent: Thursday, July 3, 2025 10:09 AM
To: Gundrum, David <dgundrum@charlottetown.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

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David/Mellisa,

Is there any update on our permit for Site mobilization?

Cain Arsenault
carsenault@apm.ca
902-569-8400 (ext 313)
902-314-7624 (cell)

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: June 12, 2025 12:01 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Thank you Cain, received.

Melissa, please respond back to Cain with any further details as required.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>

Sent: Thursday, June 12, 2025 11:29 AM

To: City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>

Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>

Subject: Haviland Street

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Melissa/David,

See attached permit application for Site Mobilization down at Haviland street.

If there is a fee required for this let me know,

Thanks,

Cain Arsenault

Design Technician • APM Commercial

21 John Yeo Drive, Unit 2
Charlottetown, PE, Canada C1E 2A1
tel **902-569-8400 ext 313**
cel **902-314-7624**
fax **902-569-1149**
email carsenault@apm.ca
www.APM.ca

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CITY OF CHARLOTTETOWN

RECEIPT

CITY OF CHARLOTTETOWN
Planning & Heritage
70 Kent Street
Charlottetown, PE C1A 1M9

Receipt Number: 25-00668

Associated Location: 15 Haviland St

Payment Date: 6/20/2025

Payment Amount: \$100.00

Payment Method: Cheque #9991

Payer Name: Pan American Properties Inc

Payer Address: PO Box 2859, Charlottetown, PE C1A 8C4

Cashier Name: Melissa Kitson

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 214-BLD-25 (BLD-MUR)	Commercial Building Phase I	010-6100-41005-0000	\$100.00
Total Amount			\$100.00
Total Amount Paid			\$100.00

Stavert, Robert

From: Mitchell, Kent
Sent: July 14, 2025 3:12 PM
To: Stavert, Robert
Subject: FW: Fire Notificaiton: 15 Haviland St, Site Mobilization & Construction Hoarding for New Apartment Building

Follow Up Flag: Follow up
Flag Status: Completed

FYI

From: Torraville, Jackie <jtorraville@charlottetown.ca>
Sent: Monday, July 14, 2025 8:22 AM
To: Mitchell, Kent <kmitchell@charlottetown.ca>
Subject: FW: Fire Notificaiton: 15 Haviland St, Site Mobilization & Construction Hoarding for New Apartment Building

From: City Planning <cityplanning@charlottetown.ca>
Sent: Saturday, July 12, 2025 7:39 PM
To: Torraville, Jackie <jtorraville@charlottetown.ca>
Subject: Fire Notificaiton: 15 Haviland St, Site Mobilization & Construction Hoarding for New Apartment Building

RE: Permit 214-BLD-25 New Construction at 15 Haviland St

Project Location: 15 Haviland St

Project Description: Site Mobilization & Construction Hoarding for New Apartment Building

Document Location: J:\PLANNING\FIRE\Haviland St 15\6-20-2025 (15 Haviland St) Site Mobilization and Construction Hoarding for New Apartment Building

File # 24-786

Permit #: 214-BLD-25

This automated message was sent by the Charlottetown [Land Management Software System](#). Please do not reply directly to this email.

Planning Department • 70 Kent Street, Charlottetown, PE, Canada, C1A 1M9 • Off: 902-629-4158 • Fax: 902-629-4156 • Planning@charlottetown.ca

Kitson, Melissa

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, July 15, 2025 12:04 PM
To: Gundrum, David; Mayor of Charlottetown (Philip Brown); Jankov, Alanna
Cc: Cain Arsenault; City Planning; Kitson, Melissa; Fraser, Sue; Ian Harper
Subject: FW: Haviland Street
Attachments: Haviland Street - Site Mobilization Permit.pdf; D1816-CH-1-01.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

This is totally unacceptable... over 5 weeks and still no permit for a simple site mobilization so we can collect engineering data?

Tim

From: Cain Arsenault <carsenault@apm.ca>
Sent: June 12, 2025 11:29 AM
To: City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: Haviland Street

Melissa/David,

See attached permit application for Site Mobilization down at Haviland street.

If there is a fee required for this let me know,

Thanks,

Cain Arsenault
Design Technician • APM Commercial

21 John Yeo Drive, Unit 2
Charlottetown, PE, Canada C1E 2A1
tel **902-569-8400 ext 313**
cel **902-314-7624**
fax **902-569-1149**
email carsenault@apm.ca
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Kitson, Melissa

From: Tim Banks <tim@apm.ca>
Sent: Tuesday, July 15, 2025 11:40 AM
To: Gundrum, David; Cain Arsenault; City Planning; Kitson, Melissa
Cc: Ian Harper
Subject: RE: Haviland Street

Follow Up Flag: Follow up
Flag Status: Completed

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Where is our permit?

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: July 3, 2025 1:04 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Hi Cain,

I've been off since last week and if this hasn't been issued by now, we'll move to have it out by tomorrow if there is no issue (which I assume there isn't).

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>
Sent: Thursday, July 3, 2025 10:09 AM
To: Gundrum, David <dgundrum@charlottetown.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa

<mkitson@charlottetown.ca>

Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>

Subject: RE: Haviland Street

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David/Mellisa,

Is there any update on our permit for Site mobilization?

Cain Arsenault

carsenault@apm.ca

902-569-8400 (ext 313)

902-314-7624 (cell)

From: Gundrum, David <dgundrum@charlottetown.ca>

Sent: June 12, 2025 12:01 PM

To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>

Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>

Subject: RE: Haviland Street

Thank you Cain, received.

Melissa, please respond back to Cain with any further details as required.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca

www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>

Sent: Thursday, June 12, 2025 11:29 AM

To: City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>

Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: Haviland Street

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Melissa/David,

See attached permit application for Site Mobilization down at Haviland street.

If there is a fee required for this let me know,

Thanks,

Cain Arsenault

Design Technician • APM Commercial

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Charlottetown, PE, Canada C1E 2A1
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since 1980
building ... across CANADA

construction managers • project managers • engineers • general contractors • design builders

Kitson, Melissa

From: Gundrum, David
Sent: Tuesday, July 15, 2025 12:41 PM
To: Tim Banks; Mayor of Charlottetown (Philip Brown); Jankov, Alanna
Cc: Cain Arsenault; City Planning; Kitson, Melissa; Ian Harper; Ruus, Michael; MacConnell, Brad
Subject: RE: Haviland Street
Attachments: Receipt.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Tim,

We have it marked as paid for on June 20th as per the attached receipt and we do not deem any application as complete or ready for review until paid for.

As mentioned, the Permit has cleared Planning review and I've asked Building staff to prioritize so they can issue as soon as possible.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Tim Banks <tim@apm.ca>
Sent: Tuesday, July 15, 2025 12:33 PM
To: Gundrum, David <dgundrum@charlottetown.ca>; Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>
Cc: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Ian Harper <iharper@apmmaclean.ca>; Ruus, Michael <mruus@charlottetown.ca>; MacConnell, Brad <bmacconnell@charlottetown.ca>
Subject: FW: Haviland Street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David, our permit was submitted on June 12th not the 20th and your email below on July 3rd said you'd have it out the next day and here we are July 15th still waiting for a simple site mobilization permit.

Can we get it today?

Tim

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: July 3, 2025 1:04 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Hi Cain,

I've been off since last week and if this hasn't been issued by now, we'll move to have it out by tomorrow if there is no issue (which I assume there isn't).

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>
Sent: Thursday, July 3, 2025 10:09 AM
To: Gundrum, David <dgundrum@charlottetown.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David/Mellisa,

Is there any update on our permit for Site mobilization?

Cain Arsenault
carsenault@apm.ca
902-569-8400 (ext 313)
902-314-7624 (cell)

From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: June 12, 2025 12:01 PM
To: Cain Arsenault <carsenault@apm.ca>; City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: RE: Haviland Street

Thank you Cain, received.

Melissa, please respond back to Cain with any further details as required.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>
Sent: Thursday, June 12, 2025 11:29 AM
To: City Planning <cityplanning@charlottetown.ca>; Kitson, Melissa <mkitson@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>
Cc: Tim Banks <tim@apm.ca>; Ian Harper <iharper@apmmaclean.ca>
Subject: Haviland Street

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Melissa/David,

See attached permit application for Site Mobilization down at Haviland street.

If there is a fee required for this let me know,

Thanks,

Cain Arsenault

Design Technician • APM Commercial

21 John Yeo Drive, Unit 2
Charlottetown, PE, Canada C1E 2A1
tel **902-569-8400 ext 313**
cel **902-314-7624**
fax **902-569-1149**
email carsenault@apm.ca
www.APM.ca

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construction managers • project managers • engineers • general contractors • design builders

CITY OF CHARLOTTETOWN

RECEIPT

CITY OF CHARLOTTETOWN
Planning & Heritage
70 Kent Street
Charlottetown, PE C1A 1M9

Receipt Number: 25-00668

Associated Location: 15 Haviland St

Payment Date: 6/20/2025

Payment Amount: \$100.00

Payment Method: Cheque #9991

Payer Name: Pan American Properties Inc

Payer Address: PO Box 2859, Charlottetown, PE C1A 8C4

Cashier Name: Melissa Kitson

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 214-BLD-25 (BLD-MUR)	Commercial Building Phase I	010-6100-41005-0000	\$100.00
Total Amount			\$100.00
Total Amount Paid			\$100.00

Jones, Shane

From: Gundrum, David
Sent: July 15, 2025 12:40 PM
To: Jones, Shane
Subject: 15 Haviland Street - Permit 214-BLD-25

Importance: High

Hi Shane,

One last one, if you could try to get this Permit issued for site mobilization for Tim Banks by tomorrow it would be greatly appreciated.

I've put our Planning conditions on the Permit already so please review at your earliest convenience.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



Stavert, Robert

From: Stavert, Robert
Sent: July 22, 2025 2:57 PM
To: Cain Arsenault
Subject: Fire Code Requirements - 15 Haviland Street
Attachments: Fire Code Requirements Letter.pdf

Good afternoon Cain,

As a follow-up to your application for a building & development permit for 15 Haviland Street, please see attached for Charlottetown Fire Department requirements during construction. Please forward a construction Fire Safety Plan to me before construction commences.

Thank you.
Rob

Robert Stavert
Fire Inspector

City of Charlottetown
PO Box 98
Charlottetown, PE
C1A 7K2
Office: 902-629-6648
Cell: 902-388-0574

rstavert@charlottetown.ca
www.charlottetown.ca



CHARLOTTETOWN FIRE DEPARTMENT

P.O. Box 98
Charlottetown, P.E.I.
C1A 7K2



Telephone: (902)629-4083
Fax: (902)894-7751

July 22, 2025

APM Commercial
c/o Cain Arsenault
P.O. Box 2859
Charlottetown, PE C1A 8C4

RE: 15 Haviland Street (PID 1100635)

As a follow-up to your application for a City of Charlottetown Building and Development Permit for site mobilization and construction hoarding for a new apartment building, please review the following. This letter pertains to permit 214-BLD-25 and any other permit that may be required to complete the work on the building and obtain occupancy.

As you may be aware, the proposed project requires certain life safety features be implemented in accordance with the *National Fire Code of Canada (NFC)*. As a result, please be advised of the following necessary requirements that shall be implemented during construction and prior to obtaining occupancy.

Construction

- Prior to the commencement of construction operations, a construction fire safety plan shall be prepared for the above noted site, as per NFC 5.6.1.3.
- Unobstructed access to fire hydrants, portable extinguishers, and to fire department connections for standpipe and sprinkler systems shall be maintained, as per NFC 5.6.1.4.(1).
- A means of access shall be provided to allow firefighters to perform their duties on all levels of the building, as per NFC 5.6.1.4.(2).
- Access routes for fire department vehicles shall be provided and maintained to construction and demolition sites, as per NFC 5.6.1.4.(4).
- Access routes shall comply with the National Building Code of Canada (NBC) 3.2.5.6.
- Where a construction site or demolition site is fenced so as to prevent general entry, provision shall be made for access by fire department equipment and personnel, as per NFC 5.6.1.4.(5).
- In addition to the other requirements of this Code, portable extinguishers shall be provided in unobstructed and easily accessible locations in areas, as per NFC 5.6.1.5
 1. Where hot work operations are carried out
 2. Where combustibles are stored
 3. Where flammable liquids and combustible liquids or gases are stored
 4. Where temporary fuel fired equipment is used
- The clearance between combustible materials and temporary heating equipment, including flues, shall be in conformance with Part 6, Division B, of the NBC or in conformance with the minimum clearances shown on certified heating equipment, as per NFC 5.6.1.8.(2)
- In areas of a building where construction, alteration or demolition operations are taking place, at least one exit shall be accessible and usable at all times, as per NFC 5.6.1.16.(1)

"SMOKE ALARMS SAVE LIVES"

CHARLOTTETOWN FIRE DEPARTMENT

P.O. Box 98
Charlottetown, P.E.I.
C1A 7K2



Telephone: (902)629-4083
Fax: (902)894-7751

- Combustible refuse in sufficient quantities to constitute a fire hazard shall be moved to a safe location, as per NFC 5.6.1.20 (Note: waste materials shall be removed as quickly as possible by means of appropriate containers, as per NBC 8.2.5)
- Fuel supplies for heating equipment and internal combustion engines shall, as per NFC 5.6.1.10.(1), conform to:
 1. CSA B139 "Installation Code for Oil-Burning Equipment," or
 2. CSA B149.1 "Natural Gas and Propane Installation Code"
- A means shall be provided to alert site personnel of a fire and such means shall be capable of being heard throughout the building facility, as per NFC 5.6.1.17
- Fabric and films used to temporarily enclose buildings shall be securely fastened to prevent them from being blown against heaters or other ignition sources, as per NFC 5.6.1.19

Occupancy

- Prior to obtaining occupancy, a fire safety plan shall be prepared. The plan shall address all emergency procedures that shall be implemented in case of fire within the occupancy, as per NFC 2.8.2

Please forward the Construction Fire Safety Plan to me before commencement of construction.

Thank you in advance for your cooperation pertaining to this matter. Should you have any questions or concerns, please feel free to contact me directly.

Robert Stavert
Fire Inspector

City of Charlottetown
PO Box 98
Charlottetown, PE C1A 7K2
Office: 902-629-6648
Cell: 902-388-0574

rstavert@charlottetown.ca
www.charlottetown.ca

"SMOKE ALARMS SAVE LIVES"

Kitson, Melissa

From: Doucette, Jason
Sent: Wednesday, July 30, 2025 4:51 PM
To: Gundrum, David; Jones, Shane; Ruus, Michael
Cc: Kitson, Melissa
Subject: RE: Haviland Street Development - Tim Banks

Hi All,

Just looping Melissa into the conversation as I was out for a little bit earlier and getting back now. We'll keep an eye out for anything related.

Thanks,

Jason Doucette
Intake Officer/Admin Assistant

City of Charlottetown
PO Box 98, 70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 7K2
Office: 782-377-4722
Email: jadoucette@charlottetown.ca
Web: www.charlottetown.ca

Pronouns: He/Him



From: Gundrum, David <dgundrum@charlottetown.ca>
Sent: Wednesday, July 30, 2025 2:54 PM
To: Jones, Shane <sjones@charlottetown.ca>; Ruus, Michael <mruus@charlottetown.ca>
Cc: Doucette, Jason <jadoucette@charlottetown.ca>
Subject: Haviland Street Development - Tim Banks

Hi fellas,

I had a call this afternoon with Dale Thompson from Provincial Department of Environment concerning Provincial requirements around Tim's proposed development for Haviland Street beside the Renaissance building (13 Haviland).

Just to clarify, I have promised Dale that the moment we receive any future Permit for construction at the site, foundation or otherwise, that we will be immediately forwarding to his team for review with respect to Provincial watercourse regulations as well as for regulations related to site contamination.

Dale confirmed a few things in terms of regulation in that the 15-metre buffer is measured back from the top-of-bank of the nearest exposed point along the sea-wall – this does differ in a nuanced way from what we generally understood to be the high-water mark as Tim has indicated on his past site plans for the development. How that might affect the positioning and shape of the building I cannot say but we will see how this shakes out once Tim applies and the Province reviews.

Also, Dale confirmed that Provincial permitting is required if any fill is proposed to be hauled off-site and would have to be tested for potential contamination.

In any event, once the Permit arrives, we can commence our own reviews for Zoning and Building Code but I told Dale that we not issue any Permits for construction until we have final clearance from the Province under their regulations that may apply here.

To date, we are not in receipt of any new Permits for the development beyond the site mobilization Permit that was previously issued a few weeks ago.

Copying in Jason here as well to keep his eyes peeled for when this comes in – PID# 1100635 and while the property is unaddressed, it has informally been referred to as '15 Haviland Street' in the past.

David

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



Jones, Shane

From: Bradley, Jessica
Sent: August 8, 2025 11:35 AM
To: Council
Cc: Dept. Heads
Subject: Issue Note - Haviland Street development
Attachments: Issue Note_Haviland Street Development.pdf

Good morning,
Please see the attached issue note on the proposed Haviland Street development (PID 1100635) for your information.

Please feel free to reach out with any questions.

Thank you,
Jessica

Jessica Bradley
Communications Officer

City of Charlottetown
PO Box 98, 199 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 7K2
Cell: 902-388-7799

jbradley@charlottetown.ca
www.charlottetown.ca

Issue Note



August 8, 2025

Haviland Street Development (PID 1100635, informally “15 Haviland St.”)

Background:

- The City received a site and concept plan from APM for a proposed 7-storey, 49-unit development on Haviland Street (no civic address, listed as PID 1100635 in the Provincial Land Registry). The site has informally been referred to as “15 Haviland Street.”
- As the property is located within the 500 Lot Area, the concept plans did go through Design Review Board and were approved on Feb. 10, 2025.
- Based on the site and concept plans, the development can proceed as-of-right under the Waterfront Zoning that applies to the property and go straight to a building permit without the need for any public consultation.
- The City issued a permit for site mobilization to allow for the installation of construction fencing and the addition of a construction trailer to support future work on July 15, 2025.
- A reconsideration request for the site mobilization permit was submitted to the City on Aug. 5, 2025. A separate appeal was accepted by IRAC on Aug. 5, 2025, for the permit issued for site mobilization, to be held in abeyance (suspension) until the city has reached a decision on the reconsideration request.

Current Status:

- The City is currently reviewing a reconsideration request for the site mobilization permit.
- As of Aug. 8, the City has not received a building permit application from APM, and no building permit has been issued.
- Once a building permit application is received, the City will forward it to the province for approval with regards to provincial watercourse and site contamination regulations.

Key Messages:

- The IRAC appeal and Reconsideration Request do not require the project to be paused. The developer is permitted to continue work under the conditions of the site mobilization permit until a ruling otherwise.
- As of Aug. 8, the City has not received a building permit application for the proposed development on Haviland Street. No building permit has been issued.
- The City is currently reviewing a reconsideration request for the site mobilization permit.
- If and when a building permit application is received, the City will forward it to the province to conduct a watercourse and site contamination review. The City is not involved in this review, and a building permit will not be issued until the city has received provincial sign-off.
- If and when a permit application is received, the City will also conduct its own review to ensure the proposal meets all zoning and building code requirements.
- Based on the site and concept plan that were approved by the Design Review Board, the proposed development can proceed as-of-right under the Waterfront Zoning that applies to the property.
- "As-of-right" means the development can proceed without public consultation once a building permit has been issued.

Q&A

Q: Has the City issued a building permit for the proposed development on Haviland Street?

- As of Aug. 8, the City has not received a building permit application for the proposed development on Haviland Street. No building permit has been issued.
- The City issued a permit for site mobilization, or to prepare the site for future construction, on July 15.
- We are currently reviewing a reconsideration request for the site mobilization permit that was received on Aug. 5.

Q: What requirements does the development have to meet to proceed?

- The province will conduct a review to ensure the development complies with watercourse and site contamination regulations.
- A provincial permit is required for any development where fill is hauled off-site. This includes a test for contamination. It is not yet known if this permit will be required. It will be up to the province to determine that, and to conduct the review if necessary.
- The development must meet all City zoning and building code requirements.

Q: Will the public have an opportunity to weigh in on this proposed development?

- Based on the site and concept plan approved by the Design Review Board, the development can proceed as-of-right under the Waterfront Zoning that applies to the property and go straight to a building permit without the need for any public consultation.

Q: Will Council ultimately approve or deny a building permit for this proposed development?

- No. Under the Planning Act, the development can proceed as-of-right once it is confirmed that it meets all zoning and building code requirements and a permit has been issued.

Q: How does the city respond to residents who have voiced opposition to this development?

- The City is aware of concerns raised by some in the community regarding this proposed development.
- In accordance with the Planning Act, if a proposed development fits within the zoning and land-use regulations, the development can proceed without additional consultation.
- As-of-right development is a common principle in planning, and ensures predictability, efficiency and lower costs for property owners and developers.

Q: The City's Official Plan is pending ministerial approval, and the zoning and development bylaw review is still underway. Could land-use or regulatory changes impact this development's ability to move forward as-of-right? Is the city looking at land-use or regulatory changes for waterfront zoning?

- It is still too early to say whether any fundamental changes will be made to the current Waterfront Zone regulations. Public consultations are ongoing.
- If they do change fundamentally under the new Bylaw, and if a building permit hasn't been applied for and issued by then, then it could potentially affect what can be built as-of-right.

Q: Would the city consider delaying the issue of a building permit – especially for controversial builds - until any new Bylaw changes come into effect?

- We do not have the legal authority to deny a building permit if it meets all zoning and regulatory requirements at the time of application. Doing so would open the city to a potential legal challenge.
- The city has not yet received an application for a building permit.
- The typical processing time for a build of this scale is 4-6 weeks, and other mitigating factors could delay that, such as a provincial review.

Q: Will the reconsideration request and IRAC appeal pause any site mobilization/prep work?

- No. The IRAC appeal and Reconsideration Request do not require the project to be paused.
- The developer is permitted to continue work under the conditions of the site mobilization permit until a ruling otherwise.

Jones, Shane

From: Ip, James
Sent: August 11, 2025 12:10 PM
To: Abbott, Janine; Bailey, Melanie; Bradley, Jessica; Council; Dept. Heads; Drummond, Christopher; Howard, Brittini; MacKinnon, Joey
Subject: RE: Additional media item

Here is the text of the article as I understand some can't access it unless you're a subscriber.

Haviland Street developer, neighbours clarify details about upcoming luxury Charlottetown apartment building

By [Logan MacLean](#)

Published Aug 09, 2025

Last updated 2 days ago

2 minute read

Tim Banks, developer of a new luxury apartment building on the Charlottetown waterfront, says concerns about potential environmental hazards raised by nearby residents have no grounding in fact.

Recently, The Guardian [published a story](#) reporting concerns from people living at 13 Haviland St. who said the project is being built on infilled land and they wondered what materials might be under the topsoil. But Banks says his team conducted an environmental test before even buying the land.

"There's no issues, no contaminants, no anything that was unusual on the site," Banks said in an Aug. 5 Guardian interview. "And then our structural engineering people went in and did tests with respect to the structural ability of the site, and again there was no issues there," he said.

The building is also set back 15 metres from the high water mark, he said.

Another issue the neighbours mentioned was loss of greenspace. Banks pointed out there is other greenspace in the area, and the term usually refers to public land such as parks, while the Haviland property is privately owned.

And while boardwalk along the water by the site is not public property, Banks says it will also be rebuilt and his company plans to offer it to the city as a public right of way.

"In this case the land has never been used for public use other than people using it as a boardwalk, but there's never been anything on the land that would make it some public space," Banks said.

The parking spaces the neighbours are currently using also doesn't actually belong to them, since it is part of The Banks property. It is up to the landlord next door to provide parking, he said.

Banks wasn't the only person who took issue with the original Guardian story.

In an email, neighbour Louise Aalders pointed out a missed detail, which said Banks had received final permits to begin work within weeks.

In an email forwarded by Aalders, Charlottetown's manager of development, David Gundrum, says APM only has a development permit for site mobilization and can install a construction fence and set up a construction trailer on site.

"To confirm, APM is not authorized to commence construction on the project until the city issues a building permit for footing and foundation work and/or anything beyond that initial stage (i.e. full permit for the entire build)," Gundrum said.

The company still needs permission for footing and foundation and a Phase 2 permit for the rest of the build, he said.

Banks confirmed this, but said the company will be starting work, following a past IRAC decision that said building work can begin after getting a development permit and development agreement.

From: Ip, James <jip@charlottetown.ca>

Sent: August 11, 2025 11:50 AM

To: Abbott, Janine <jabbott@charlottetown.ca>; Bailey, Melanie <m Bailey@charlottetown.ca>; Bradley, Jessica <jbradley@charlottetown.ca>; Council <Council@charlottetown.ca>; Dept. Heads <heads@charlottetown.ca>; Drummond, Christopher <cdrummond@charlottetown.ca>; Howard, Brittini <BHoward@charlottetown.ca>; MacKinnon, Joey <joe.mackinnon@charlottetown.ca>

Subject: Additional media item

Charlottetown developer says luxury apartment site was tested | PNI Atlantic News

James Ip
Senior Communications Officer

City of Charlottetown
PO Box 98, 199 Queen Street
Charlottetown, Prince Edward Island
Canada, C1A 7K2
Office: 902-629-6613
Cell: 902-393-6076
jip@charlottetown.ca
charlottetown.ca



Christiaans, Jozeph

From: Tim Banks <tim@apm.ca>
Sent: August 14, 2025 10:05 AM
To: Christiaans, Jozeph; MacConnell, Brad; Gundrum, David
Cc: Cain Arsenault; Gundrum, David; Keir Silliphant
Subject: Re: 15 Haviland Court

You don't often get email from tim@apm.ca. [Learn why this is important](#)

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Please get name of the person who complained and the nature of their complaint and exactly what specific part of the NBC they are complaining about.

Thanks
Tim

On Aug 14, 2025, at 9:40 AM, Christiaans, Jozeph <jchristiaans@charlottetown.ca> wrote:

It was through a phone call and we don't have a name.

Joe Christiaans
Building Inspector II

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-367-2676

jchristiaans@charlottetown.ca
www.charlottetown.ca



From: Cain Arsenault <carsenault@apm.ca>
Sent: August 14, 2025 9:38 AM

To: Christiaans, Jozeph <jchristiaans@charlottetown.ca>
Cc: Gundrum, David <dgundrum@charlottetown.ca>; Tim Banks <tim@apm.ca>; Keir Silliphant <ksilliphant@apm.ca>
Subject: Re: 15 Haviland Court

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send through a copy of the complaint and in the future address all correspondence to Tim and copy me...thx

On Aug 14, 2025, at 8:31 AM, Christiaans, Jozeph <jchristiaans@charlottetown.ca> wrote:

Hi Cain, We have received our first complaint on the project and am aware that you are just starting. Please ensure that Part 8, Safety Measures at Construction and Demolitions sites in the NBC 2020 is followed.

Thank you,

Joe Christiaans
Building Inspector II

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-367-2676

jchristiaans@charlottetown.ca
www.charlottetown.ca



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Gundrum, David

From: Gundrum, David
Sent: Monday, August 18, 2025 2:54 PM
To: Louise Aalders; Ruus, Michael
Cc: Mayor of Charlottetown (Philip Brown); MacConnell, Brad; Jankov, Alanna
Subject: RE: 15 Haviland PID 1100635
Attachments: 3 PERMIT APPLICATIONS AND APPLICATION PROCESSES.pdf

Hi Louise,

The concept drawings that are submitted for applications for Design Review need not be created by a licensed Architect necessarily nor stamped as such.

The current Bylaw under Section 3.14 (Design Review) makes reference to need for architectural plans but does not specify that they need be created by a qualified Architect.

A Development Agreement is typically entered into between the City and Developers for a project of this size and scale and is required prior to any Permits being issued.

The Development Agreement itself does not authorize any construction to occur as a Permit is still required to allow that to happen.

The point of the Development Agreement is to cover-off for site-specific details and elements that may have been agreed to through an application process under the Zoning Bylaw and to ensure that the future Permit(s) are in conformity to those expectations.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Louise Aalders <aalderslouise@gmail.com>
Sent: Friday, August 15, 2025 1:10 PM
To: Gundrum, David <dgundrum@charlottetown.ca>; Ruus, Michael <mruus@charlottetown.ca>
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; MacConnell, Brad

<bmacconnell@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>

Subject: 15 Haviland PID 1100635

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I was looking back at the Design Review Board meeting held on February 10, 2025 and wondered if the architectural diagrams (concept drawings) shown, were actually stamped by a licensed architectural firm, as per the Zoning and Development Bylaw? Were they included in the package? If not, why?

Second, why is there a Development Agreement between the City of Charlottetown and Pan American Properties dated March 13, 2025 before a building permit has been issued?

I look forward to your reply.

Louise Aalders

Jones, Shane

From: Gundrum, David
Sent: August 26, 2025 10:49 AM
To: Mowry, Matt
Cc: Jones, Shane
Subject: 15 Haviland Street Site Photos - Tim Banks

Importance: High

Hi Matt,

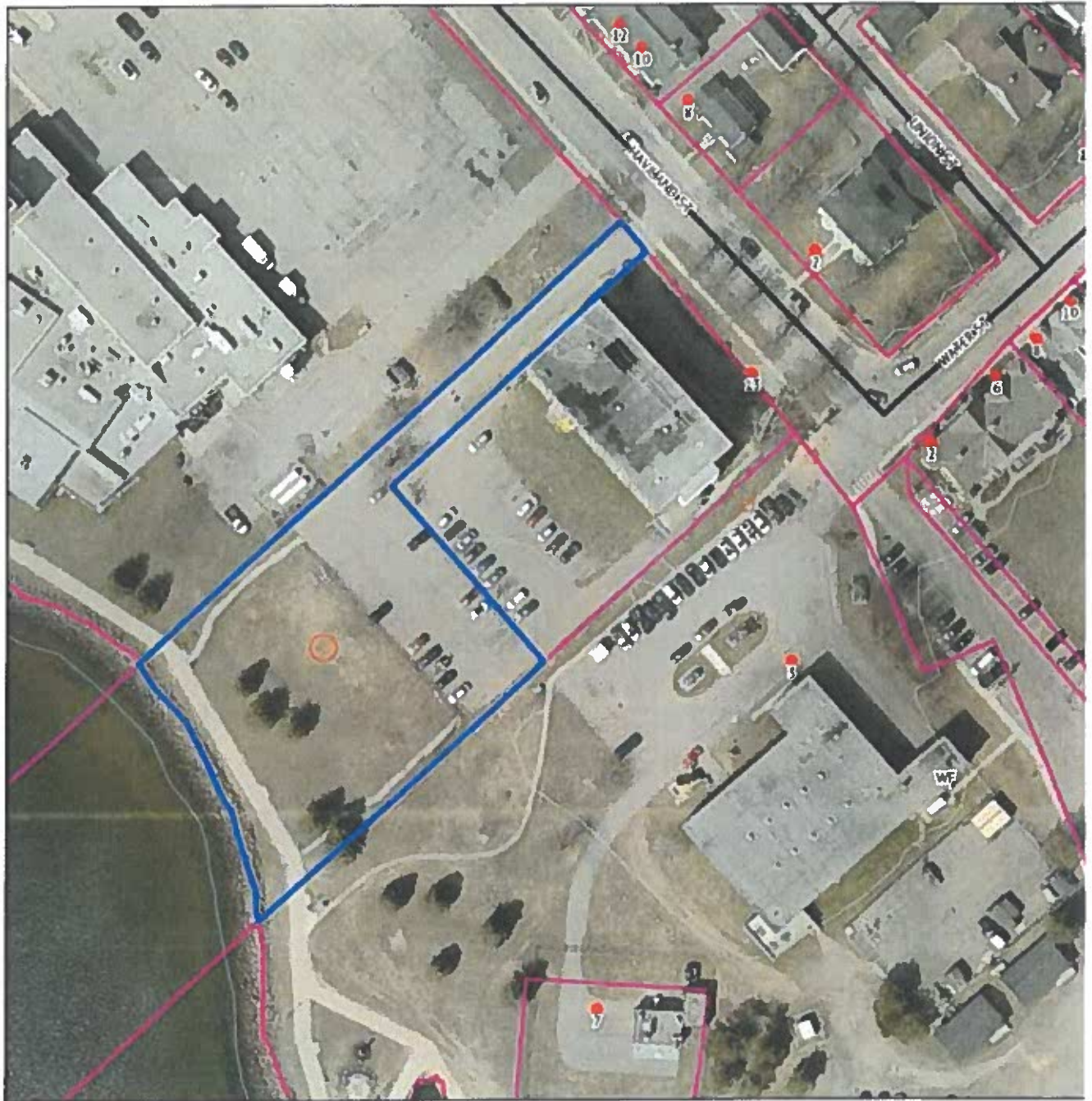
I have a little mission for you while you're out and about today if you could please snap some photos of the site at 15 Haviland Street to see what's going on out there.

The construction fencing is down and a neighbour was really concerned about that but Tim Banks said that APM has put up no-trespassing signs around the property and fencing will go back up early next week at this point due to some logistics on APM's end.

Just want some photos to confirm if those no-trespassing signs are there or not if you could snap some photos from different vantage points of the property (air photo below to show property boundaries).

The renaissance building at 13 Haviland fronts ahead of Tim's property, you should be able to get in and around either left or right of the building.

Thanks Matt and just copying in Shane for awareness!



David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
70 Kent Street
Charlottetown, Prince Edward Island
Canada, C1A 1M9
Cell: 902-393-5467

Gundrum, David

From: Gundrum, David
Sent: Monday, August 25, 2025 4:17 PM
To: 'Louise Aalders'; Ruus, Michael; Sutcliffe, Todd
Cc: Mayor of Charlottetown (Philip Brown); Jankov, Alanna
Subject: RE: Safety concerns - 15 Haviland St
Attachments: Permit WWBZ-2025-0165 Modification.pdf

Hi Louise,

We received a response from APM this afternoon that the fencing was moved temporarily to allow access for Provincial officials to conduct inspections related to the attached Provincial Permit that was issued to APM last Friday.

APM expects the fencing to be restored by early next week at this point (September 1st-2nd) and has put up 'No Trespassing' signs in the interim to warn passerby to stay off of the site.

David Gundrum, RPP, MCIP
Manager of Development Planning

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Cell: 902-393-5467

dgundrum@charlottetown.ca
www.charlottetown.ca



From: Louise Aalders [REDACTED]
Sent: Monday, August 25, 2025 10:08 AM
To: Gundrum, David <dgundrum@charlottetown.ca>; Ruus, Michael <mruus@charlottetown.ca>; toddsutcliffe@charlottetown.ca
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>
Subject: Safety concerns - 15 Haviland St

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

APM has recently removed the soil from this property without construction fencing to this date. Fencing was part of the approved permit (214-BLD-25).

The depth is approximately 2-3 ft in some areas and although they have put up a no trespassing sign on the driveway gate, it is still possible for people to enter their site from other areas. We are concerned for public safety. A child may run towards that area not realizing there is a substantial drop and could get hurt, seriously. It is very close to the walkway between Renaissance Place and the Armoury, as you can see in one of the photos. There is also fencing laying on the soil that could be a hazard.

We request that this issue is addressed immediately so as to prevent any possible injury to citizens and visitors.

Respectfully,

Louise Aalders

Gundrum, David

From: Gundrum, David
Sent: Tuesday, August 26, 2025 5:14 PM
To: Louise Aalders
Subject: RE: Safety concerns - 15 Haviland St

Hi Louise,

Thanks for the perspective and I'll ask APM if they can address this better with respect to any through-traffic through that portion of the sites.

We're expecting the fencing to be back by after Labour Day and I have our field staff keeping eyes on the site as they are out and about in that area.

David Gundrum, RPP, MCIP
Manager of Development Planning

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www.charlottetown.ca



From: Louise Aalders [REDACTED]
Sent: Tuesday, August 26, 2025 3:59 PM
To: Gundrum, David <dgundrum@charlottetown.ca>
Subject: Re: Safety concerns - 15 Haviland St

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David,

It still doesn't address the area where people walk from Water St/Haviland THROUGH TO the boardwalk between our building and the Armoury. I see people walk that direction all the time.

Louise

On Tue, Aug 26, 2025 at 3:08 PM Gundrum, David <dgundrum@charlottetown.ca> wrote:

Hi Louise,

Just to follow-up from yesterday, our field staff were out to the site today at 15 Haviland and confirmed that APM has 2 no-trespassing signs up on site currently, one facing east towards Haviland at the laneway entrance and the other facing west towards the boardwalk and the water to warn passerby to stay off the site. Please see photos as attached.

We will continue to monitor the situation and expect APM to have fencing back up by early next week at this point.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

Planning & Heritage Department

[70 Kent Street](#)

[Charlottetown, Prince Edward Island](#)

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From: Gundrum, David <dgundrum@charlottetown.ca>

Sent: Monday, August 25, 2025 9:24 PM

To: Louise Alders - [REDACTED]

Cc: Ruus, Michael <mruus@charlottetown.ca>; Sutcliffe, Todd <tsutcliffe@charlottetown.ca>; Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>

Subject: RE: Safety concerns - 15 Haviland St

Hi Louise,

I would like to give Mr. Banks some degree of grace here to respond, I've let him know that it is not in agreement with the Permit to have the fencing removed and he has indicated intention to have it re-established around the perimeter of the property by early next week at this point (September 1st-2nd) so we will grant that allowance for now.

In the interim, I will have field staff out tomorrow (Tuesday) to snap some photos and verify where these no-trespassing signs have been placed as alluded to.

The Developer in this case certainly assumes a strong degree of responsibility and accountability to ensure that an active work site is secure and the last thing I imagine that they would want is to assume responsibility for personal injury due to negligence on their part while working under Permit. That is something that has potential to scuttle a project entirely.

The City has granted an allowance and permission and it is up to the Developer to uphold their part of the bargain or social contract in this case.

We will keep eyes on this moving forward Louise and thank you for reaching out.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

Planning & Heritage Department

[70 Kent Street](#)

[Charlottetown, Prince Edward Island](#)

[Canada, C1A 1M9](#)

Cell: 902-393-5467

dgundrum@charlottetown.ca

www.charlottetown.ca



From: Louise Aalders [REDACTED]
Sent: Monday, August 25, 2025 5:29 PM
To: Gundrum, David <dgundrum@charlottetown.ca>
Cc: Ruus, Michael <mruus@charlottetown.ca>; Sutcliffe, Todd <tsutcliffe@charlottetown.ca>; Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>
Subject: Re: Safety concerns - [15 Haviland St](#)

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David,

There was never any fencing near the area I am referring to. The fencing that was there, was from 2020, surrounding the grassy area only, not recently where they pulverized the asphalt and dug out the soil.

There is NOT, a no trespassing sign near the walkway that many families use on a daily basis. This needs to be addressed before someone gets hurt.

Louise

On Mon, Aug 25, 2025 at 4:16 PM Gundrum, David <dgundrum@charlottetown.ca> wrote:

Hi Louise,

We received a response from APM this afternoon that the fencing was moved temporarily to allow access for Provincial officials to conduct inspections related to the attached Provincial Permit that was issued to APM last Friday.

APM expects the fencing to be restored by early next week at this point (September 1st-2nd) and has put up 'No Trespassing' signs in the interim to warn passerby to stay off of the site.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

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[Canada, C1A 1M9](#)

Cell: 902-393-5467

dgundrum@charlottetown.ca

www.charlottetown.ca



From: Louise Aalders [REDACTED]
Sent: Monday, August 25, 2025 10:08 AM
To: Gundrum, David <dgundrum@charlottetown.ca>; Ruus, Michael <mruus@charlottetown.ca>; toddsutcliffe@charlottetown.ca
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>
Subject: Safety concerns - [15 Haviland St](#)

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Good morning,

APM has recently removed the soil from this property without construction fencing to this date. Fencing was part of the approved permit (214-BLD-25).

The depth is approximately 2-3 ft in some areas and although they have put up a no trespassing sign on the driveway gate, it is still possible for people to enter their site from other areas. We are concerned for public safety. A child may run towards that area not realizing there is a substantial drop and could get hurt, seriously. It is very close to the walkway between Renaissance Place and the Armoury, as you can see in one of the photos. There is also fencing laying on the soil that could be a hazard.

We request that this issue is addressed immediately so as to prevent any possible injury to citizens and visitors.

Respectfully,

Louise Aalders

Gundrum, David

From: Gundrum, David
Sent: Wednesday, September 3, 2025 3:20 PM
To: Louise Aalders
Cc: Ruus, Michael
Subject: Reconsideration Request Update - Haviland Street

Hi Louise,

I would just like to update that Planning Board at their meeting last night voted in favour of a recommendation to Council that Council not allow for the reconsideration of the Development Permit for Haviland Street and thereby not allow for the reconsideration process to continue.

That said, the matter still has to proceed to Council at their meeting next week on Tuesday, September 9th at 5PM in the form of a Resolution for Council to vote on but as it stands now, the recommendation will be to deny the reconsideration request.

Council will have opportunity to discuss and debate the matter on Tuesday next week and all Council meetings are open for members of the public to attend and observe save and except for closed sessions of Council.

A recording of last night's Planning Board meeting can be found at the following YouTube link to the City's YouTube channel:

<https://www.youtube.com/watch?v=0Lzq4s0XOqo&t=3630s>

The matter concerning the reconsideration request for Haviland Street begins at approximately the 59:25 mark of the video.

Please let us know if you have any questions in regard at this point Louise.

David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown
Planning & Heritage Department
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Kitson, Melissa

From: Ryan unkown [REDACTED]
Sent: Wednesday, September 10, 2025 10:18 AM
To: Planning Department
Subject: 49 unit Haviland Street development

You don't often get email from [REDACTED] [Learn why this is important](#)

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Good morning

I am messaging you today to voice my opposition against the new proposed development on haviland street. The boardwalk should not be closed for two years and the whole project should be scrapped. Islanders deserve to have access to our own waterfront! Especially in the Capitol.

Thanks
Ryan

Get [Outlook for iOS](#)

Jones, Shane

From: Jones, Shane
Sent: September 11, 2025 12:07 PM
To: Stavert, Robert; Gundrum, David
Cc: Mitchell, Kent
Subject: RE: 15 Haviland Street

Hi Robert,

Thanks for sharing and access route is noted.

When a permit application is received and ready for plans review for building code, we'll review this requirement.

Thanks,

Shane

From: Stavert, Robert <rstavert@charlottetown.ca>
Sent: September 11, 2025 11:40 AM
To: Jones, Shane <sjones@charlottetown.ca>; Gundrum, David <dgundrum@charlottetown.ca>
Cc: Mitchell, Kent <kmitchell@charlottetown.ca>
Subject: 15 Haviland Street

Good morning Shane and David,

I just wanted to let you know that on July 22 I emailed the attached letter to Cain Arsenault. It's a standard letter that I send to permit applicants outlining fire code requirements and requesting a fire safety plan for the construction phase of the building. I wanted to point out that I included a reference to NBC 3.2.5.6, regarding access routes for firefighting. From the site plan that I saw for the site mobilization permit application I'm not sure how much they have taken this into account and want to make sure that their design doesn't leave us with a building we can't access properly.

Thanks.
Rob

Robert Stavert
Fire Inspector

City of Charlottetown
PO Box 98
Charlottetown, PE
C1A 7K2
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CHARLOTTETOWN FIRE DEPARTMENT

P.O. Box 98
Charlottetown, P.E.I.
C1A 7K2



Telephone: (902)629-4083
Fax: (902)884-7751

July 22, 2025

APM Commercial
c/o Cain Arsenault
P.O. Box 2859
Charlottetown, PE C1A 8C4

RE: 15 Haviland Street (PID 1100635)

As a follow-up to your application for a City of Charlottetown Building and Development Permit for site mobilization and construction hoarding for a new apartment building, please review the following. This letter pertains to permit 214-BLD-25 and any other permit that may be required to complete the work on the building and obtain occupancy.

As you may be aware, the proposed project requires certain life safety features be implemented in accordance with the *National Fire Code of Canada (NFC)*. As a result, please be advised of the following necessary requirements that shall be implemented during construction and prior to obtaining occupancy.

Construction

- Prior to the commencement of construction operations, a construction fire safety plan shall be prepared for the above noted site, as per NFC 5.6.1.3.
- Unobstructed access to fire hydrants, portable extinguishers, and to fire department connections for standpipe and sprinkler systems shall be maintained, as per NFC 5.6.1.4.(1).
- A means of access shall be provided to allow firefighters to perform their duties on all levels of the building, as per NFC 5.6.1.4.(2).
- Access routes for fire department vehicles shall be provided and maintained to construction and demolition sites, as per NFC 5.6.1.4.(4).
- Access routes shall comply with the National Building Code of Canada (NBC) 3.2.5.6.
- Where a construction site or demolition site is fenced so as to prevent general entry, provision shall be made for access by fire department equipment and personnel, as per NFC 5.6.1.4.(5).
- In addition to the other requirements of this Code, portable extinguishers shall be provided in unobstructed and easily accessible locations in areas, as per NFC 5.6.1.5
 1. Where hot work operations are carried out
 2. Where combustibles are stored
 3. Where flammable liquids and combustible liquids or gases are stored
 4. Where temporary fuel fired equipment is used
- The clearance between combustible materials and temporary heating equipment, including flues, shall be in conformance with Part 6, Division B, of the NBC or in conformance with the minimum clearances shown on certified heating equipment, as per NFC 5.6.1.8.(2)
- In areas of a building where construction, alteration or demolition operations are taking place, at least one exit shall be accessible and usable at all times, as per NFC 5.6.1.16.(1)

"SMOKE ALARMS SAVE LIVES"

CHARLOTTETOWN FIRE DEPARTMENT

P.O. Box 98
Charlottetown, P.E.I.
C1A 7K2



Telephone: (902)629-4083
Fax: (902)894-7751

- Combustible refuse in sufficient quantities to constitute a fire hazard shall be moved to a safe location, as per NFC 5.6.1.20 (Note: waste materials shall be removed as quickly as possible by means of appropriate containers, as per NBC 8.2.5)
- Fuel supplies for heating equipment and internal combustion engines shall, as per NFC 5.6.1.10.(1), conform to:
 1. CSA B139 "Installation Code for Oil-Burning Equipment," or
 2. CSA B149.1 "Natural Gas and Propane Installation Code"
- A means shall be provided to alert site personnel of a fire and such means shall be capable of being heard throughout the building facility, as per NFC 5.6.1.17
- Fabric and films used to temporarily enclose buildings shall be securely fastened to prevent them from being blown against heaters or other ignition sources, as per NFC 5.6.1.19

Occupancy

- Prior to obtaining occupancy, a fire safety plan shall be prepared. The plan shall address all emergency procedures that shall be implemented in case of fire within the occupancy, as per NFC 2.8.2

Please forward the Construction Fire Safety Plan to me before commencement of construction.

Thank you in advance for your cooperation pertaining to this matter. Should you have any questions or concerns, please feel free to contact me directly.

Robert Stavert
Fire Inspector

City of Charlottetown
PO Box 98
Charlottetown, PE C1A 7K2
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