

October 7, 2025

VIA EMAIL (mwalshdoucette@irac.pe.ca)

The Island Regulatory & Appeals Commission
Attention: Michelle Walsh-Doucette, Commission Clerk
National Bank Tower, Suite 501
134 Kent Street
Charlottetown, PEI
C1A 7L1

Dear Ms. Walsh-Doucette:

RE: Appeal #LA25011 – Louise Aalders v City of Charlottetown

We write in response to your correspondence dated August 6, 2025, requesting the City of Charlottetown's (the "City") Record and Reply to the Notice of Appeal filed by Louise Aalders in LA25011 (the "Appellant") on August 5, 2025 (the "Appeal"). The City's Record was also filed on today's date. Please accept this correspondence as the City's initial reply to the Notice of Appeal.

The Appellant has appealed a decision of the City of Charlottetown dated July 15, 2025, whereby the City issued a Building & Development Permit (#214-BLD-25) for site mobilization and construction hoarding to Pan American Properties Inc. (the "Developer") for a new apartment building located at 15 Haviland Street (the "Property") (the "Permit"). The Permit was issued by the City for the limited purpose of site mobilization and construction hoarding, subject to conditions pursuant to the City's Zoning & Development Bylaw (the "Z&D Bylaw").

The City has endeavored to summarize the grounds of appeal and provides preliminary comments to each of the grounds of appeal as follows.

1. Duty of Procedural Fairness

The Appellant alleges that the City's decision to issue the Permit was not made in accordance with the duty of procedural fairness. The City submits that there is no evidence to suggest that the City's duty of procedural fairness was not adhered to. The Permit was issued in accordance with the process set out in the Z&D Bylaw, which does not require public consultation prior to issuance of the Permit.

2. Sound Planning Principles

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The Appellant alleges that the issuance of the Permit is contrary to sound planning principles. There is no evidence to suggest this is the case. The City's Planning & Heritage Department is staffed by professional land use planners, who are trained to always consider the process and procedures set out in the Z&D Bylaw, Official Plan and sound planning principles. The Permit was issued as-of-right per the Z&D Bylaw and there were no outstanding sound planning reasons as to why it should have been denied.

3. Potential Hazard to boardwalk visitors and aquatic life

The Appellant alleges that the proposed development poses a potential hazard to boardwalk visitors and aquatic life per sections 3.3.9(d) and (e) of the Z&D Bylaw. Respectfully, the proposed development of an apartment building is not the subject of the Appeal. The Permit is a permit for foundation work only, meaning the potential hazard posed by the apartment building as alleged by the Appellant is not relevant.

Despite our position on the applicability of this ground of appeal, the City submits that the proposed development does not pose a hazard to visitors and aquatic life. When the Developer applies to the City for the next phase of a Building & Development Permit, the Developer will be required to submit documentation in accordance with section 3 of the Z&D Bylaw. The Development Officer has discretion, per section 3.3.9, to approve or deny the Building & Development Permit if, among other things, the proposed development impact would be detrimental to the environment, or health and safety of residents. At this stage, there is no evidence to suggest that is or would be the case but that question will be fully considered at the next stage of development.

Environmental protection is a matter of Provincial jurisdiction per the *Environmental Protection Act*, RSPEI 1988, c E-9 ("*EPA*") and other applicable legislation. The Developer must comply with the requirements set out in the *EPA*, and other environment related legislation. The City will consult with the Province in this regard and ensure all proper documentation and information is in place before issuing any permits. The City and the Province have been in contact in this regard, which communication can be found at **Tab 6** of the **City's Record**.

4. Z&D Bylaw

The Appellant alleges that the Permit does not conform to section 3.3.9(a) of the Z&D Bylaw as it does not confirm to sections 34.3.3, 34.3.4, 34.3.7 and 46.11.7 of the Z&D Bylaw. The provisions referenced by the Appellant include requirements for front or flankage yard, rear or side yard, parking lot buffer and location of parking. Respectfully, these provisions do not apply to the Permit. These provisions are applicable to an application for a Building & Development Permit for the foundation stage and construction of the building stage. A new Building & Development Permit will not be issued until such time as the Developer complies with these provisions, amongst several others. It is at this

stage that the Developer can apply for a variance pursuant to sections 3.8 or 3.9 of the Z&D Bylaw, if required.

The City submits this correspondence as our initial response to the Appeal. We reserve our right to respond to further submissions, if any, from the Appellant. The City respectfully requests that the Appeal be dismissed.

Yours very truly,



Melanie McKenna

MM/MM