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VIA EMAIL

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

On November 7, 2025, the Developer raised an issue of jurisdiction and has requested the Commission conduct a preliminary assessment to determine if the Appellant, Louise Aalders, qualifies as an “aggrieved person”, as defined at section 27.1 of the *Planning Act*.

Section 28 of the *Planning Act* was amended in November 2023 to change who has standing to make an appeal to the Commission. Formerly, the *Planning Act* authorized a “person who is dissatisfied” to appeal certain decisions of the Minister or a council of a municipality to the Commission. In November 2023, section 28 of the *Planning Act* introduced a requirement that prospective appellants be “aggrieved person[s]”. The *Act* was also amended to include a definition of “aggrieved person”:

27.1 Definition

In this Part, “aggrieved person” means, in respect of a decision of the Minister under subsection 28(1) or the council of a municipality under subsection 28(1.1),

- (a) the applicant;
- (b) the Minister;
- (c) a municipality affected by the decision;
- (d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual's property or property occupied by the individual;
- (e) an incorporated organization, the objects of which include promoting or protecting
 - (i) the quality of life of persons residing in the neighbourhood affected by the decision,
 - (ii) the natural environment in the community affected by the decision, or
 - (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision; or
- (f) an organization, the majority of whose members are individuals referred to in clause (d).

The Commission has not yet issued any decisions in respect of this standard; however, in Order LA25-07, the Commission accepted that the former standard of "dissatisfied" and the newly amended standard of "aggrieved" are different standards and that the interpretation of "dissatisfied" was boarder than the interpretation of "aggrieved".

The right to appeal to the Commission is a right created by statute and the Commission only has the jurisdiction that has been granted to it via its enabling legislation. In other words, there is no inherent or common law right to appeal to the Commission. Therefore, the question of the Appellant's standing goes to the Commission's jurisdiction and whether the legislation authorizes the Appellant to bring this appeal before the Commission.

Accordingly, the Commission is requesting written submissions from the parties responding to the jurisdictional issue raised by the Developer.

We propose the following timelines for submissions:

- The Appellant is requested to provide submissions in response to the question of how she meets the standard of an "aggrieved person" by **Friday, November 28, 2025** at 4:00 p.m.
- The Developer and Respondent are requested to provide submissions in response by **Friday, December 5, 2025** at 4:00 p.m.
- The Appellant may provide reply submissions by **Friday, December 12, 2025** at 4:00 p.m.

Upon receipt of submissions, the Commission will then consider the positions and arguments of the parties.

Rule 41 of the Commission's Rules of Practice and Procedure provides that the Commission may determine, at its discretion, that a public hearing on this jurisdictional issue will not be held and the Commission will issue a decision in writing. If upon receipt and review of the parties' submissions the Commission determines that a public hearing is required, you will be advised accordingly.

Despite this preliminary jurisdictional issue, the Commission requests that the City of Charlottetown continue to gather information in response to the Appellant's request for information with respect to the City's reconsideration process and file that material with the Commission, and all other parties, as soon as reasonably possible.

Further to our direction via email on October 28, 2025, the Appellant may also continue to submit relevant information and evidence in respect of the merits of the appeal as it becomes available.

While the Commission recognizes that the outcome of this jurisdictional issue may impact the balance of issues on this appeal, in the interest of efficiency, the Commission anticipates being in a position to hear the appeal in early 2026 and would appreciate the parties and we request all parties to please advise of your availability for a hearing in February and March 2026.

Yours truly,



Michelle Walsh-Doucette
Commission Clerk