

Thursday, November 27, 2025

Island Regulatory & Appeals Commission

Attention: Michelle Walsh Doucette
Via email

Re: LA25-011

As an Appellant, I submit counsel for the Developer must show that I am not acting in good faith as an “aggrieved person” vs my need to prove that I am.

Nonetheless, the following points are listed to support my position as an aggrieved person “who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual’s property or property occupied by the individual” (emphasis added)

- 1) I reside at 13 Haviland St which is adjacent to the proposed building at 15 Haviland St., as such I will be directly impacted by any environmental contamination that may be present if disturbed. Such disturbance could be injurious to my health and the public in general
- The City has not provided any documentation such as a record of the infill material used or soil testing to confirm the lack of contamination of infilled soil brought in around the 1950’s nor the state of the sediments. This infilled area was part of a working waterfront in the 1800s and earlier and adjacent to a hospital (proper waste management and disposal?). This area is adjacent to the George Battery , Map of 1843 where there is the potential for ammunition waste. Lack of a record of contamination does not rule out the possibility of unsafe material on site from before records were maintained. All manner of material could be exposed with excavations.
- There was a formal discussion between the City of Charlottetown and the PEI Department of Environment, sometime the week of July 28, 2025 and again no documentation on what was discussed.
- Reference Appeal LA11-01 Biovectra Inc vs City of Charlottetown, dated June 16, 2010. Public safety
 - [68] “A key aspect of the services a City provides to its residents is the fostering of a safe environment;”

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- [85] “The Commission believes that public safety can supersede as-of-right development if public safety is considered and assessed at the appropriate stage”.
- This site preparation development permit is the earliest stage that this can be assessed and so it is proposed as the appropriate stage in this case.
- [117] “When it comes to ensuring public health and safety, a local government should at times be willing to reach beyond strict adherence to codes and bylaws in order to protect its citizens”

2) The City was not diligent in determining the location of the Buffer Zone and if there was any infringement of the proposed development in this zone and need for provincial approvals before issuing the development permit.

The Buffer Zone is near where I live and enjoyed daily for health and wellness purposes by myself (and other members of the public in general). Failure of the City to do its duty to help protect the natural environment which is public property raises concerns about other oversights and delinquencies during the process of issuing this development permit (detailed in my appeal document)

- Object 2c of the Planning Act is “ to protect the natural and built environment of the province;

3) In a 2020 Development Agreement, signed and filed with the Queens county Registrar of Deeds, for the subject property, a stepback was required. There has been no change in the Zoning and Development bylaw in this regard since 2020.

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

The absence of a stepback would negatively impact the public realm, surrounding buildings and private spaces thus adversely affecting the reasonable enjoyment of the property where I reside, as well as the people who use it. There is a lack of information on shadow studies to assess whether or not the building would impact daylight access to my residence.

4) My role as an “aggrieved person” and responsible citizen is to bring these concerns to the Commission and the Commission’s role to determine if the City failed in its duty municipal/civic responsibilities to its residents by not following sound planning principles and efficient planning principles, protecting the environment, and

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providing opportunity for public to participate in planning process. The issuance of the development permit is part of the planning process, therefore, as a member of the public I have the right to appeal the decision to issue the development permit.

As an individual, I feel that the issuance of this permit will negatively impact:

- (i) the quality of life of persons residing in the neighbourhood affected by the decision, AND
- (ii) the natural environment in the community affected by the decision, AND
- (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision;

I believe an individual citizen and as a member of the public has the same duties and responsibilities to their neighbourhood and community, the natural environment, as any incorporated organization. The concerns are the same whether expressed by an individual or incorporated individual or entity. Forcing an individual member of the public to incorporate themselves simply to exercise their right as a member of the public to help ensure that the objects of the Planning Act are being met and participate in the planning process by way of an appeal, places an unnecessary burden and hardship on the individual. Appeals are clearly part of the planning process, being described in Part V of the Planning Act. For these reasons, I ask the Commission to consider section 11 of the Interpretation Act and Objects (a), (c) and (f) of the Planning Act when making their decision on my right to appeal.

11. Principles of interpretation (Interpretation Act)

(1) The words of an Act and regulations authorized under an Act shall be read in their entire context, and in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act and the intention of the Legislative Assembly.

Remedial construction

(2) Acts and regulations shall be construed as being remedial and shall be given the fair, large and liberal interpretation that best ensures the attainment of their objects. *2021, c. 10, s. 11.*

OBJECTS (Planning Act, excerpts)

2. Purposes

The purposes of this Act are

- (a) to provide for efficient planning at the provincial and municipal level;
- (c) to protect the natural and built environment of the province;
- (f) to provide the opportunity for public participation in the planning process; and

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I reserve the right to amend my position as the City continues to produce the requested material for the Record, if necessary.

Respectfully submitted,

Louise Aalders