



## Prince Edward Island

Justice and  
Public Safety

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## Île-du-Prince-Édouard

Justice et  
Sécurité publique

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March 2, 2026

**VIA EMAIL – [mwalshdoucette@irac.pe.ca](mailto:mwalshdoucette@irac.pe.ca)**

Michelle Walsh-Doucette  
Commission Clerk  
Island Regulatory and Appeals Commission  
National Bank Tower, Suite 501  
134 Kent Street, Charlottetown PE C1A 7L1

**Re: Appeal Docket #HP24001  
Sabharwal Atlantic Holdings Ltd. v. City of Charlottetown and Minister of Fisheries,  
Rural Development and Tourism  
Our File: LS 28127**

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1. We represent the Minister of Fisheries, Rural Development and Tourism (formerly the Minister of Fisheries, Tourism, Sport and Culture) (the “Minister”) in relation to the above noted appeal filed by Sabharwal Atlantic Holdings Ltd. (the “Appellant”) on October 9, 2024 (the “Appeal”).
2. The Appeal arises from the City of Charlottetown’s (the “City”) decision to designate 10 Prince Street, PID 336321 (the “Subject Property”), as a Heritage Resource. The Subject Property is owned by the Appellant.
3. The Appeal is pursuant to subsection 5(8) of the *Heritage Places Protection Act*, RSPEI 1988, c H-3.1 (the “Act”); section 10 of the *Heritage Places Protection Act Regulations*, EC414/00 (the “Regulations”); and section 3.6 of the City of Charlottetown Heritage Preservation By-law (the “By-law”).
4. The following written submission is made in response to the Appeal insofar as the Appeal may be responded to by the Minister. Should the Appellant expand on, provide further explanation for, and/or otherwise provide submissions on the grounds of appeal, the Minister reserves the right to provide a further reply thereto.

### **Procedural Background**

5. On November 13, 2024, the City filed the Record of Decision.

6. On December 11, 2024, the Appellant provided correspondence commenting on the Record of Decision filed and identifying preliminary issues. The two preliminary issues identified were (i) whether there was a valid delegation of Ministerial authority under the Act; and (ii) whether, if there was such a delegation, that the delegation was broad enough to encompass the designation under appeal. This correspondence also noted that the City, as the purported delegate, bears the burden of proving the delegation.
7. On February 20, 2025, the City filed the Supplemental Record of Decision.
8. Also on February 20, 2025, the City replied to the Appellant's correspondence of December 11, 2024. The City relied on the letter dated October 1, 1998 (the "Letter") and argued that, in 1998, then Minister J. Chester Gillan delegated the Minister's authority under the Act to the City. The Letter was filed with the Commission via email on November 15, 2024. The City also requested further particulars with respect to the two preliminary issues raised by the Appellant.
9. On December 4, 2025, the Appellant advised the Commission and the parties that the preliminary issue of proper delegation of Ministerial authority would not be pursued at this time and it wished to proceed with the Appeal on its merits.
10. On February 12, 2026, the Appellant filed its written submissions in support of its Appeal (the "Appellant's Submissions"). The Appellant's Submissions acknowledge that the Minister's powers under the Act were delegated to the City.

## **Role and Position of the Minister**

### *The Act and Regulations*

11. The Minister is responsible for the administration of the Act and the preservation, study and interpretation and promotion of understanding and appreciation of Prince Edward Island's heritage places.<sup>1</sup>
12. The Act provides the Minister with the power, upon providing proper notice, to designate any heritage place as a designated site, structure or area. The procedures for making said designation are further prescribed by the Regulations.<sup>2</sup>

### *Delegation of Powers*

13. Pursuant to subsection 9(1) of the Act, the Minister may also delegate powers conferred by the Act to a municipality as follows:

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<sup>1</sup> *Heritage Places Protection Act*, ss 2(1) and (2) ["Act"].

<sup>2</sup> Act, s 5.

***9(1) Delegation of powers to municipality***

*Where a municipality has established a heritage plan setting out objectives, policies and programs for the conservation of its heritage, the Minister may, with the agreement of the council of that municipality, delegate to the municipality any of his powers under this Act.*

14. Pursuant to section 9(1) of the Act, on October 1, 1998, following a review of the City's heritage provisions in its proposed Official Plan and Zoning Bylaw, then Minister Gillan delegated his powers under the Act to the City through the Letter. The Letter notes that the City was "the first municipality to apply for independent jurisdiction in matters of heritage."
15. Although the City, as the alleged delegate, bears the burden of establishing that a valid delegation occurred and the Appellant has acknowledged the delegation of Ministerial authority under the Act, the Minister nevertheless wishes to confirm that his powers under the Act were properly delegated to the City with respect to heritage places located within the City's boundaries.

***Minister's Position***

16. In light of the foregoing, the Minister takes no position on the Appeal.
17. The Minister delegated to the City the authority to designate properties as Heritage Resources, including with respect to the Subject Property. The procedural and substantive aspects for issuing such designations therefore fall within the City's jurisdiction.
18. To this end, the Minister does not possess the requisite knowledge to offer substantive written submissions in response to the Appeal and, in particular, the issues raised in the Appellant's Submissions. Any substantive response is most appropriately provided by the City.
19. For greater certainty, the Minister is not involved in the City's investigation and recommendation process, nor in the ultimate decision to designate the Subject Property as a Heritage Resource.
20. Given the novel nature of the Appeal and the Minister's statutory responsibility for administering the Act, the Minister understands that the Commission wishes for the Minister to remain as a Respondent at this stage. The Minister is willing to provide further submissions, as necessary, should the Commission consider them helpful to the determination of the issues.

**Conclusion**

21. Trusting the foregoing is satisfactory; however, if you have questions about these submissions, please do not hesitate to contact me.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

Yours truly,

A handwritten signature in blue ink, appearing to read 'Christiana Tweedy', written in a cursive style.

Christiana Tweedy  
Lawyer for the Minister of Fisheries, Rural Development and Tourism