



July 16, 2026

**VIA EMAIL**

[jchandler@live.ca](mailto:jchandler@live.ca)

Jonathan Chandler  
33 MacWilliams Road  
Charlottetown, PE C1C 1L4  
Appellant

[mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)

Melanie McKenna  
Cox & Palmer  
97 Queen Street Suite 600  
Charlottetown, PE  
Lawyer for the Respondent

[Toncj17@gmail.com](mailto:Toncj17@gmail.com)

Tony C. Joy  
Star Homes & Construction Inc.  
Developer

**RE: Appeal # LA26007 – Jonathan Chandler v. City of Charlottetown**

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from Jonathan Chandler appealing the decision of the City of Charlottetown to issue an occupancy permit to Star Homes & Construction Inc. for PID 1114354, located at 39-41 MacWilliams Road, Charlottetown, PEI

By letter dated June 22, 2026, the Commission raised a preliminary issue with the parties respecting whether the Notice of Appeal was filed within the statutory timeline prescribed by the *Planning Act*. The Commission determined the preliminary matter in Order LA26-11, finding that the appeal will proceed.

In order to ensure this matter proceeds in an orderly and timely manner, the Commission has set the following timelines. *The dates set out below may only be extended by approval of the Commission.*

1. Appeal Record. The Respondent, City of Charlottetown is to forward a copy of all information in your file with respect to the above-noted decision to the Commission by **August 6, 2026**, in accordance with the attached [Practice Direction on Appeal Records](#).

On the same date, please file a written response to the Notice of Appeal. The written response may raise issues involving jurisdiction or preliminary matters in addition to a clear, but brief, response to the appeal.

2. The Developer may also provide a written response to the Notice of Appeal by **August 6, 2026**.
3. Appellant Response. The Appellant is to provide a written submission by August 20, 2026. This submission is to:
  - Respond to the Appeal Record
    - For example, you may respond to the documents provided by the Respondent and provide your position on why they may support your appeal. You may also request any documents that you note may be missing and
  - Reply to the Submission of the City of Charlottetown
    - The Submission from the City of Charlottetown provides their position with respect to the decision to issue an occupancy permit to Star Homes & Construction Inc. for PID 1114354, located at 39-41 MacWilliams Road, Charlottetown, PEI. You have the opportunity to respond to this and provide the reasons why you are appealing this decision and any areas in which you disagree with the City's position
  - Particularize and clarify the grounds of appeal set out in the Notice of Appeal.
    - Based on your review of the Appeal Record you may want to clarify your grounds of appeal.
4. Conference call. Following receipt of the Appellant's written submission, Commission staff will schedule a call with the parties **within two (2) weeks**. The call will address the following:
  - Whether the parties interested in mediation. Mediation is a without prejudice process facilitated by Commission staff to give the parties an opportunity to discuss the matters of concern and consider whether a negotiated resolution can be reached on all or some of the issues without the need to attend a public hearing. The Commission will only hold a mediation if all parties voluntarily agree to participate.
  - Preparation for public hearing. The call will also address the steps necessary to proceed to an in-person public hearing before a panel of Commissioners, including:
    - Preliminary issues to be addressed before the hearing;
    - Hearing dates;
    - Filing deadlines;
    - Finalize Appeal Record, if necessary; and
    - Other matters that may be raised by the parties.

### Public Hearing

Please be advised that the Commission's appeal process is a public process and all information submitted to the Commission will be shared with all parties and posted to the Commission's website. You can find the docket page for this appeal here:

<https://irac.pe.ca/planning/la26007-jonathan-chandler-v-city-of-charlottetown/>

A hearing before the Commission is also public. The Commission's hearing room will be open to the public and the hearing will be streamed over the internet.

### Legal Counsel

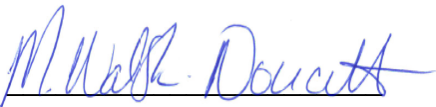
Parties may, but are not required to, retain legal counsel to assist in the conduct of this appeal. If any party wishes to retain legal counsel, the Commission strongly recommends they do so as soon as possible and advise the Commission. Until a party advises in writing that they have retained counsel, the party will be served with documents.

### 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.

|                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>IMPORTANT NOTE: Any questions or concerns can be directed to Michelle Walsh-Doucette by telephone at 902-892-3501 or email at <a href="mailto:mwalshdoucette@irac.pe.ca">mwalshdoucette@irac.pe.ca</a>.</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Michelle Walsh-Doucette  
Commission Clerk



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



**Date Issued:** July 16, 2026  
**Docket:** LA26007  
**Type:** Planning Appeal

INDEXED AS: Chandler v. City of Charlottetown  
2026 PEIRAC 45 (CanLII)

Order No: LA26-11

**BETWEEN:**

Jonathan Chandler

**Appellant**

**AND:**

City of Charlottetown

**Respondent**

Star Homes & Construction Inc.

**Developer**

---

## ORDER

---

Panel Members:

Pamela J. Williams, K.C., Chair  
Gordon MacFarlane, Commissioner

## ORDER:

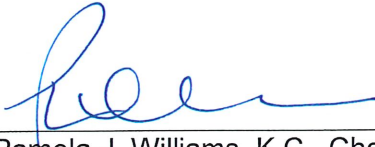
1. On June 19, 2026, the Commission received a Notice of Appeal from Jonathan Chandler dated June 19, 2026. The Notice of Appeal was in respect of a decision of the City of Charlottetown to issue an occupancy permit to the Developer, Star Homes & Construction Inc. in respect of PID 1114354, located at 39-41 MacWilliams Road, Charlottetown, PE (the "Decision"). The Notice of Appeal included a copy of the City of Charlottetown's weekly permit summary which indicated the Decision was made May 27, 2026; however, the Notice of Appeal also indicated notice of the Decision was not posted on the City's website until June 18, 2026.
2. Given that the Decision was made May 27, 2026, it appeared the Notice of Appeal may have been filed outside the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.
3. Therefore, as a preliminary matter, the Commission requested the City of Charlottetown provide details around posting notice of the Decision. Counsel for the City provided a response via letter dated June 29, 2026, stating that:
  - i. The Decision was made May 27, 2026;
  - ii. The initial permit summary was posted to the City's public website on June 17, 2026; and
  - iii. A revised permit summary was posted on June 18, 2026.
4. Section 23.1 of the *Planning Act* requires a planning authority to post public notice of planning decisions "within seven days of the date the decision is made". In this case, the City did not post notice of the Decision until June 17, 2026 – twenty-one days after the Decision was made. Therefore, the Commission finds the City did not comply with the statutory requirements in the *Planning Act* to give notice of the Decision within seven days.
5. In *Booth and Peake v. Island Regulatory and Appeals Commission*, 2004 PESCAD 18, the Prince Edward Island Court of Appeal ruled that the appeal period pursuant to section 28 of the *Planning Act* begins to run when an appellant has received notice of the decision, whether through actual notice or general notice through a public posting process.
6. In the present case, the Appellant filed the Notice of Appeal with the Commission within two days of the City posting notice of the Decision.
7. In the circumstances, the Commission accepts that the Notice of Appeal was filed within the statutory timeline prescribed in the *Planning Act*. The Commission recently made a similar finding in Order LA26-08, where the Commission accepted jurisdiction over an appeal on the basis that the City failed to give notice of the decision within seven days as prescribed by section 23.1 of the *Planning Act*.

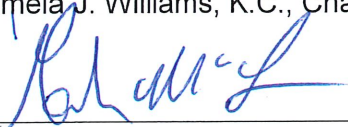
## IT IS ORDERED THAT

1. The Commission finds that because the City of Charlottetown did not comply with section 23.1 of the *Planning Act*, the Notice of Appeal was filed within the statutory timeline prescribed in the *Planning Act*.

**DATED** at Charlottetown, Prince Edward Island, July 16, 2026.

**BY THE COMMISSION:**

  
\_\_\_\_\_  
Pamela J. Williams, K.C., Chair

  
\_\_\_\_\_  
Gordon MacFarlane, Commissioner

## NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

*12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.*

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13(1) and 13(2) of the *Act* provide as follows:

*13(1) An appeal lies from a decision or order of the Commission to the Court of Appeal upon a question of law or jurisdiction.*

*(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.*

**NOTE:** In accordance with IRAC's *Records Retention and Disposition Schedule*, the material contained in the official file regarding this matter will be retained by the Commission for a period of 2 years.