From: Jonathan Chandler (VAC/ACC)
To: Michelle Walsh-Doucette; "jchandler@live.ca"
Cc: Herrell, Tasha (Charlottetown); McKenna, Melanie (Charlottetown); Jessica Gillis; "toncj17@gmail.com"
Subject: RE: LA26007 - Jonathan Chandler v. City of Charlottetown
Date: Monday, August 31, 2026 2:35:25 PM
Attachments: image001.png

Good afternoon,
I have reviewed the City of Charlottetown's Appeal Record and the City's submission regarding the issuance of the Occupancy Permit. I would like to provide my response and clarify the concerns that form the basis of my appeal.
There are several areas where I do not agree with, or have concerns regarding, the City's position and the information contained in the Record. In particular, I have concerns regarding the final elevation of the property, the changes to the drainage and grading from what was originally provided to me, the retaining wall that was subsequently constructed, and whether the resulting site conditions have been properly verified against the approved plans.

1. Building elevation and grading

One of my primary concerns is the elevation at which the building and surrounding property were ultimately constructed.
The building appears to have been constructed at a significantly higher elevation than I understood from the original plans. When I raised concerns regarding the elevation with the City, I was advised that the City did not have the ability to verify the elevation information.
I find this concerning because the City is the authority responsible for reviewing and approving the development and issuing the Occupancy Permit. If the final elevation cannot be verified, I do not understand how the City can be satisfied that the development was constructed in accordance with the approved plans and grading requirements.
I would therefore ask the Commission to consider whether the City has provided sufficient evidence demonstrating that the final elevations were actually verified against the approved plans.
I believe the appropriate way to resolve this issue would be to have the current elevations independently surveyed and compared directly against the approved plans and any subsequent amendments or certifications relied upon by the City.

2. Changes to the original drainage plan

Another significant concern relates to the Surface Drainage Plan.
The original drainage plan was provided to me, and I do not recall the plan showing the large retaining wall that has subsequently been constructed along the property line. The current site therefore appears materially different from what was shown on the original plan.
The retaining wall is significant in size—approximately five feet in height in areas—and appears to have been necessary to achieve the current grade of the property. This raises an important question for me: if the original approved drainage and grading plan did not contemplate the current retaining wall and resulting site conditions, what changed between the original approval and the final construction?
The City's Lot Grading Guidelines indicate that Surface Drainage Plans are intended to establish the drainage relationship between properties. The guidelines also appear to contemplate revisions to approved design elevations where existing elevations

differ, including circumstances where affected property owners agree to the revision.
I therefore believe the Appeal Record should clarify whether the original Surface Drainage Plan was amended after it was provided to me, what changes were made, and whether I was considered an affected property owner in relation to those changes.
If the City did subsequently approve a revised drainage or grading plan, I would like to understand when that occurred, what the revised elevations were, and what documentation was used to determine that the revised plan would not negatively affect adjacent properties.

3. Ongoing drainage onto my property

The importance of the drainage issue is not theoretical. Water continues to enter my property and contributes to flooding.
The current retaining wall does not appear to have an effective drainage system behind or underneath it that would prevent water from accumulating against the wall and subsequently moving toward my property.
I am not presenting myself as an engineer, and I cannot independently determine whether the retaining wall or drainage system was constructed to the applicable technical standards. However, the continued water entering my property causes me to question whether the final grading and drainage arrangements are functioning as intended.
I am therefore concerned that the Occupancy Permit may have been issued based on plans and certifications that do not adequately reflect the actual final site conditions.

4. The need for independent verification

Given the differences between the original plans and what exists on the property today, I believe there is a straightforward way to address much of this uncertainty.
I would like to see the current property elevations professionally surveyed and compared against:

- the original approved Surface Drainage Plan;
- any revised Surface Drainage or grading plan;
- the approved building elevations;
- any rough grading certification;
- any final grading certification; and
- any other documentation relied upon by the City in issuing the Occupancy Permit.

In my view, this should be completed by an appropriately qualified independent professional rather than by the company or individual responsible for the existing grading or documentation.
My concern is not that I can establish that anyone intentionally provided incorrect information. Rather, there is currently a significant discrepancy between what I was originally shown and what now exists on the property, and I believe an independent survey would provide an objective way of determining whether the final construction complies with what was approved.

5. Basement occupancy and use

I also wish to clarify another concern that I believe is relevant to the overall safety and compliance of the properties.
I understand that both properties have basement areas being used as separate rental accommodations. I am concerned that these areas may not have been approved or

constructed as independent dwelling units and that the current occupancy may be greater than what was contemplated when the properties were approved.
I understand that one family is moving out on September 1, 2026, with another family moving into the basement on the same date. Based on what I have observed, there appear to be multiple adults and children occupying the main dwelling, in addition to occupants in the basement.
I also understand that kitchens have subsequently been installed in the basement areas.
I recognize that I am not in a position to determine whether these units are legal or whether they comply with the applicable Building Code, zoning and fire-safety requirements. However, given the apparent change in use and occupancy, I believe this is something that should be verified by the appropriate authorities.
This is particularly concerning to me because of the potential implications for fire and life safety. I understand that the Charlottetown Fire Department has previously attended the property. My understanding is that the information provided to the inspector at that time may not have reflected the current occupancy or subsequent changes to the basement areas.
I therefore believe that the current use and occupancy should be considered based on the conditions that exist today, rather than solely on what may have existed at the time of an earlier inspection.

6. Impact on my property and safety

The increased occupancy also appears to have resulted in a significant increase in the number of vehicles associated with the properties.
There is now considerable congestion on MacWilliams Road, and this can make it difficult to safely see approaching traffic when backing out of my property.
While this issue is separate from the drainage concerns, it contributes to my overall concern that the properties are being used and occupied in a manner that may be substantially different from what was originally contemplated.
My concern is not simply about inconvenience. The combination of increased occupancy, traffic, building configuration, grading and drainage has a direct impact on my property and, in my view, raises legitimate questions about whether the current conditions have been adequately reviewed before the Occupancy Permit was issued.

7. The City's approval and the Occupancy Permit

Ultimately, my concern is whether the City had sufficient information to determine that the development complied with the applicable requirements when the Occupancy Permit was issued.
I understand that the City has taken the position that the Occupancy Permit was properly issued. However, I do not believe the information provided in the Appeal Record adequately addresses the discrepancies I have identified.
In particular, I believe there needs to be greater clarity regarding:

1. What the approved building and site elevations were;
2. What the final constructed elevations actually are;
3. Whether the original Surface Drainage Plan was subsequently amended;
4. What changes were made to the drainage and grading plan;
5. Why the current retaining wall was required if it was not shown on the original plan;
6. Whether adjacent property owners were required to agree to any changes to the

approved drainage or grading arrangements;

7. What professional certifications were provided to the City;
8. Whether those certifications accurately reflect the final site conditions; and
9. Whether the current basement use and occupancy comply with the applicable requirements.

I believe these questions are particularly important because the ongoing drainage problems demonstrate that the final site conditions are having a direct impact on my property.

8. My position

I am not suggesting that every issue identified above necessarily proves that the Occupancy Permit should not have been issued. Rather, my position is that there are sufficient discrepancies and unanswered questions that I do not believe the City's approval can be properly assessed without first establishing what was actually approved, what was ultimately constructed, and whether the two are consistent.

The original drainage plan, the current retaining wall, the final grading, the ongoing drainage onto my property and the apparent changes in the use and occupancy of the properties all warrant consideration together.

I am therefore asking the Commission to consider whether the City has demonstrated that the final development complies with the approved plans and applicable requirements.

At a minimum, I believe an independent survey of the current elevations and grading, together with a comparison to the approved drainage and grading plans and the professional certifications relied upon by the City, would provide an objective way to resolve the central issue in my appeal.

I respectfully submit that my concerns are not based simply on disagreement with the development. They arise from observable differences between the original plans and the current property, ongoing drainage impacts on my property, and questions regarding whether the final conditions were properly verified before the Occupancy Permit was issued.

Thank you for considering my submissions.

Jonathan Chandler

From: Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>
Sent: August 31,2026 1:45 PM
To: 'jchandler@live.ca' <jchandler@live.ca>; Jonathan Chandler (VAC/ACC) <Jonathan.Chandler@veterans.gc.ca>
Cc: Herrell, Tasha (Charlottetown) <therrell@coxandpalmer.com>; McKenna, Melanie (Charlottetown) <mmckenna@coxandpalmer.com>; Jessica Gillis <jgillis@irac.pe.ca>; 'toncj17@gmail.com' <toncj17@gmail.com>
Subject: RE: LA26007 - Jonathan Chandler v. City of Charlottetown

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Good afternoon Mr. Chandler,

I am writing further to the email below from Jessica Gillis and the attached correspondence. The City provided their Appeal Record on August 5, 2026. Your response to the appeal record was to be filed on August 20, 2026. The purpose of your response submissions is as follows:

1. Respond to the Record –
    - Once you have reviewed the Record you have the opportunity to request any documents that you note may be missing. It also gives you the opportunity to respond to the documents provided by the City of Charlottetown, and provide your position on why they may support your appeal.

2. Reply to the Submission of the City of Charlottetown,
    - The August 6, 2026, submission from Legal Counsel of the of the City of Charlottetown provides the position with respect to the approval to issue the Occupancy Permit. 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.

3. Particularize and clarify the grounds of appeal set out in the Notice of Appeal.
    - Based on your review of the Record, which is the file of the City of Charlottetown, you may want to clarify your grounds of appeal. This is your opportunity to do this.

You can also provide documents and evidence to support your position that the City erred in denying issuing the permit. Although not required by the Commission, you may wish to seek legal advice to assist you with the submissions.

M

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

Michelle Walsh-Doucette (she/her)
Commission Clerk
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From: Jessica Gillis <jgillis@irac.pe.ca>
Sent: Wednesday, August 5, 2026 2:42 PM
To: 'jchandler@live.ca' <jchandler@live.ca>; McKenna, Melanie (Charlottetown) <mmckenna@coxandpalmer.com>; 'toncj17@gmail.com' <toncj17@gmail.com>
Cc: Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>; Herrell, Tasha (Charlottetown) <therrell@coxandpalmer.com>
Subject: RE: LA26007 - Jonathan Chandler v. City of Charlottetown

Good afternoon,

In Michelle's absence, I am writing to acknowledge receipt of the City's Appeal Record.

With respect to next steps, I have reattached our letter of July 16, 2026, for ease of reference.

Mr. Joy – if you intend to provide an initial response at this time, a reminder the deadline was set as today by end of day. In the event the matter proceeds to a hearing, you will have a further opportunity to make more detailed submissions. However, please feel free to be in touch with any questions.

Otherwise, we look forward to receipt of the Appellant's submission in response by Thursday, August 20, 2026. From there, we will be in touch to set a call to discuss next steps.

Thank you,
Jessica

PRINCE EDWARD ISLAND
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Jessica M. Gillis (she/her)
General Counsel
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From: Michelle Walsh-Doucette <mwalshdoucette@irac.pe.ca>
Sent: Thursday, July 16, 2026 1:20 PM
To: 'jchandler@live.ca' <jchandler@live.ca>; McKenna, Melanie (Charlottetown) <mmckenna@coxandpalmer.com>; 'toncj17@gmail.com' <toncj17@gmail.com>
Cc: Jessica Gillis <jgillis@irac.pe.ca>
Subject: LA26007 - Jonathan Chandler v. City of Charlottetown

Good afternoon,

Please see attached correspondence with respect to this matter.

M.

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

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