

July 2, 2024

Via Electronic Mail

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

Dear Ms. Walsh-Doucette:

Re: LA24013 – Greenfield Capital Inc. v. Resort Municipality

We are writing to confirm that we have been retained by the Resort Municipality in relation to this matter. We note that a preliminary issue as to jurisdiction is evident upon our review of the notice of appeal. The notice of appeal does not identify any decision that falls within the prescribed list found in section 28(1.1) of the *Planning Act*, R.S.P.E.I. 1988, c. P-8. As the Commission knows, there is no general authority to review municipal activities. There is also no specific authority to review a municipal decision to “table” an application. On this point, see: *Wheeler (Re)*, 2016 CanLII 156563 (PE IRAC).

We are aware that the Commission has requested that the Resort Municipality file the record by July 16, 2024. In our view, the record is not required to resolve the question of jurisdiction because the notice of appeal, on its face, fails to identify an appealable decision. That said, if the Commission concludes that the record is required to determine the question of jurisdiction, we will prepare the record as a professional courtesy to all involved. In such a case, we would respectfully request an indulgence to deliver the record on or before July 30, 2024.

We look forward to the Commission’s guidance on these preliminary issues.

Yours truly,

Stewart McKelvey


Curtis Doyle

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