

December 4th, 2023

Via E-Mail

Island Regulatory and Appeals Commission
Attention: Jessica Gillis, General Counsel
National Bank Tower, Suite 501
134 Kent Street
Charlottetown, P.E.I.
C1A 7L1

Dear Ms. Gillis

RE: Appeal LA # 23026 Randy Pitre v. City of Summerside & all Appeals filed Previously

The Appellants hold tight to their submissions and position taken in the previous submissions and appeals Filed on this matter. However, I write further to the **November 15, 2023**, Submission of Iain M. McCarvill.

First and foremost, **all Appeals filed or withdrawn as it relates to this matter must be considered** to get to the **"True Merits"** of what is taking place with this Applicant and the Municipality on this matter before the Commission. This Includes the **June 5th, 2023** Appeal filed By the Applicant Nathan Kember and his legal Counsel Andrew Campbell. Suppressing evidence or **filings** or **withdrawal** of **appeals** in the **same related matter** in question must and should not be tolerated. In other words, Suppressing the Actions of the Parties involved and the Manipulation of due Process.

The **June 5, 2023**, Appeal by the Applicant that was subsequently **"Withdrawn"** must be considered as **relevant** to the **"merits"** of the matter before the Commission. Interesting to note that the Applicants **"Seasoned legal Counsel of 30 years Andrew Campbell"** Appealed the Decision of a **"Denial of a Building Permit"** from the municipality on **June 5th, 2023**. **As a result, this raises issues and questions as follows.**

Issue # 1

- (a) Why? If legal Counsel is of the Opinion that a Building permit **is not Appealable** why was an Appeal filed on **June 5, 2023, by the Applicant and its legal Counsel?**
- (b) Why does the City of Summerside lists **Building Permits appealable** on its website to the public, and all **its Decisions** including and **not** just limited to **Building permits** as being “**appealable**” to the Island Regulatory and Appeals Commission with also an Appeal Deadline for an Appeal if a Building permit are not Appealable?
- (c) Why is the City of Summerside **directing Parties** who **wish to Appeal Building Permits** within **21 Days** to the **Island Regulatory & Appeals Commission?**
The City can’t have it both ways as it wearing **two hats** and takes **two completely opposite positions** to its own action when it finds it convenient to do so.

Interesting enough, I found a Page on the PEI Government website pertaining to **Development permits** and **Building Permits**. I attached Government pages for reference. The PEI Government states the following.

“Municipalities with an official plan and **Land-use bylaws** **issue their own Development Permits** so you **must apply directly** to the **municipality** for the Development Permit. **However, you must apply to the land division** of the **Provincial Government for a building permit** for **these jurisdictions**”.

This would leave one to believe that a **building permits** as it relates to development and subdivisions must be applied through the **Lands Division** of the Province. If not, **why does it say so?**

I do not believe the Commission can Speak for the Provincial Government on that question and that the Commission might want to reach out and ask the PEI Government to Comment or a submission in that regard and question. **It is relevant** to the matter before the commission.

Issue # 2

As per the provincial PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS, no persons shall, without first obtaining a development permit

- Commence the construction of any building or structure without first

Obtaining a Development Permit:

(above is where Appellant states Building Permit was issued to commence construction on a foundation without having obtained or the Finalization of a Development permit first)

If you look at the list provided of all the Permits issued for the City of Summerside you will see that a Building Permit (Partial), for the Construction of a foundation was in fact issued "Prior" to the Development permit. This can be seen from the Appeal Date deadlines stated then counting 21 days back. The Site plan approval (Deadline for Appeal) is according to the City's own Records is October 29, 2023, leaving the Date of Issuance prior of 21 days being Oct 9, 2023.

The date of the Site Approval Appeal deadline was November 9th, 2023. Appeal Deadline of November 9th, 2023, counting 21 days back is October 19, 2023. The building permit was issued to commence construction prior to the site plan being approved and finalized, which is prohibited under the Act.

This is similar conduct to all the Applicants applications filed before the City of Summerside that are now subject of the Appeal. I have appealed those files of permits wrongfully approved with the City of Summerside which clearly establishes that the City of Summerside is not doing its due diligence and is in fact issuing Building permits prior to "Development permits" & "Zoning changes" being finalized.

Issue # 3

The Applications require an Applicant to make a Declaration and to provide truthful information on each Application. Strategic Enterprises Inc is not a Entity that is Registered with the Province nor is it licensed

to do business in PEI. **Strategic Enterprises Inc** is a fake Company listed on both the **Development permits** and the **Partial Building permits** and throughout the City of Summerside's Application Process.

The Partial Permit and Development permit requires the Applicant to do the following and I quote:

"Owner is responsible to ensure the project complies with the
City of Summerside by laws, the 2015 National Building code of Canada
and all applicable federal and **Provincial statutes** and **Regulations.**"

One of the Applicant Company that is listed throughout the Application process by the Name of **Strategic Enterprises Inc** is a **non -existent Company** that **does not exist**. The Application process has been **tainted as a result** and the Applicant **has not followed Provincial Statutes** and **regulations** as **required to have obtained a building permit nor a development permit.**

I attach the City of Summerside Partial Building Permit Issued highlighting this section as well.

This matter needs to go to hearing and the matter is not a jurisdictional issue as the building permits were issued Prior to the Development permits & zoning amendments.

Respectfully Submitted this 4th day of December 2023.



Randy Pitre
280 Keppoch Road
Stratford PEI
C1B 2J6
(782)377-6060

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You are viewing Basic HTML view. Some features may be disabled.

Switch to standard version.

Building and Development in PEI

Effective March 31, 2020, both the *Building Codes Act* and corresponding Regulations reflect the administration and enforcement requirements of a new Building Permit Process. The process to apply for a *Building Permit* in PEI is updated to comply with the following codes:

- 2015 *National Building Code of Canada*; and
- 2017 *National Energy Code of Canada for Buildings*.

To review updated provincial building regulations, refer to Building Code Act Regulations - Plain Language Version

Which permit(s) do I need?

In almost all instances both a *Development Permit* AND a *Building Permit* will be required before construction can begin on a project.

- **Development Permit** – specifies land use and how a structure is situated on a given parcel of land. This permit will be issued in accordance with the provincial *Planning Act*
- **Building Permit** – ensures that a structure is designed and constructed in compliance with construction codes, e.g. the *National Building Code*. This permit will be issued in accordance with the provincial *Building Codes Act*

For general information on the building permit process or to book an inspection please call **1-800-370-3977** or email: buildingpermits@gov.pe.ca

Book a one-on-one meeting with staff virtually or in-person in Charlottetown, O'Leary, Summerside, or Montague to help answer your questions and assist with your Development and Building Application submissions.

Who can I contact for more information?

You can book an Appointment with a Permit Coordinator by:

- Calling Contact PEI at **1-833-734-1873**
- Or booking online at **Skip the Waiting Room Calendar Page**

Where do I get the permits?

A permit may be issued by a municipality or by the provincial government, depending on the location of the property.

- Municipalities of Charlottetown, Stratford and Summerside issue their own *Development and Building Permits*. Contact their respective municipal offices for more information.



City of Summerside

Building Permit Application

Technical Services Department
275 Fitzroy Street
Summerside, PE
C1N 1H9

GENERAL INFORMATION

Application #:	2023-9-0332	Application Date:	19 Sep 2023
Property Address:	678 Water St East Summerside	Property ID#:	72421
Application Status:	Issued	Lot Number:	
Zoning:		Heritage Flag:	NO

PROJECT INFORMATION

Application Activity:	New	Building Use:	Res- Apartment
Number of Units:	59.0	Number of Stories:	4.0
Project Start Date:	23 Oct 2023	Estimated Project Cost:	\$ 5,000,000.00
Municipal Services Confirmed:	NO	Underground Fuel Storage:	NO
Building Area (m2):	1,881.9	Permit Fee:	\$ 15,000.00

CONTACT INFORMATION

Role	Contact Name	Primary #	Secondary #
APPL	Strategic Holdings Inc	902-439-8370	
OWN	Strategic Holdings Inc	902-439-8370	

APPLICANT VERIFICATION

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS CORRECT AND THAT INFORMATION PROVIDED WITH THIS APPLICATION IS IN COMPLIANCE WITH FEDERAL, PROVINCIAL, AND MUNICIPAL STATUTES AND REGULATIONS.

04 19/2023

Date

Property Owner or Agent Signature

OFFICE USE ONLY

Electrical Service Approved By: _____	Date: _____	Electric Boiler: <input type="checkbox"/>	Electric Baseboard: <input type="checkbox"/>
Water/Sewer Service Approved By: _____	Date: _____	Water Meter: <input type="checkbox"/>	
Site Plan @ Technical Services: <input type="checkbox"/>	Site Plan Attached: <input type="checkbox"/>		

Comment:

ALL WORK TO BE DONE IN COMPLIANCE WITH FEDERAL, PROVINCIAL AND MUNICIPAL STATUTES,
BYLAWS AND REGULATIONS

PARTIAL PERMIT

The following forms part of Building Permit 2023-9-0332

678 Water St East- 59-Unit Apartment Building-Partial Permit-Foundation Only

Owner is responsible to ensure the project complies with the City of Summerside Bylaws, the 2015 National Building Code of Canada and all applicable Federal and Provincial Statutes and Regulations

Constructors are required to confirm the elevation and location of services (water, sewer and electrical) with the Municipal Works Department prior to construction. The Municipal Works Department office is located at 94 Ottawa Street or can be contacted at (902) 432-1268.

Please be advised that any owner who damages public property or works located therein during construction or demolition of any building or part thereof is responsible for the cost of the repair of the damage.

No plans changes or foundation type are to be made without first notifying, providing details and obtaining authorization from the Building Officer.

The project documents provided for this permit were reviewed for general regulatory compliance only. The project design is being provided by an Architect/Engineer licensed to practice on PEI and as such the designer has provided documentation acknowledging responsibility for to the requirements of the National Building Code of Canada 2015 edition and as applicable the National Energy Code for Buildings 2017 edition and that the design is in compliance with all applicable Federal and

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Development Permit Application

Where you live will determine what Development Permit Application you will need to complete.

If you live **outside** of a municipal area, you will need to complete this application. As per the **Provincial PLANNING ACT SUBDIVISION AND DEVELOPMENT REGULATIONS**, no person shall, without first obtaining a development permit:

- commence the construction of any building or structure;
- locate any building or structure, or change the location of any building or structure on a lot;
- make any structural alterations that will change the exterior dimensions of any building or structure;
- change the use of any building or structure or land, or part thereof; or intensify any non-conforming use;
- locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided; or create a mobile home park

If you live **inside** a Municipal Area with planning authority you will need to apply for a **Development Permit from that local Municipal Office**.

Are you wanting to subdivide your parcel of land into smaller lots or change the official use of the property? If yes, you are required to complete the **Subdivision of Land/Change of Use Application** before completing this Development Permit Application and any Building Permit Applications.



Office Use Only	
Sub. Case File #:	
Permit #:	
PID#:	
Permit Fee:	
Received:	
PIC Verified:	<input type="checkbox"/>

Property Information:

Property Tax Number:	Lot Number - if applicable:
Civic Address Number:	Street Name:

Property Owner Information:

Full Legal Name:		
Company Name:		
Street Address:		
Community:	Province:	Postal Code:
Email:	Phone:	

Applicant Information if different from Owner:

Full Legal Name:
Company Name:
Street Address:
Community:
Province:
Postal Code:

Community:	Province:	Postal Code:
Email:		Phone:

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What is the property currently used for?

- ☐ Residential (Single-unit) ☐ Residential (Duplex) ☐ Residential (Multi-unit) ☐ Rental accommodation
☐ Commercial ☐ Industrial ☐ Institutional ☐ Agricultural ☐ Aquaculture/Fisheries ☐ Forestry
☐ Recreational ☐ Resource ☐ Home-Based Business ☐ Vacant ☐ Other: _____

Will the proposed development require the creation of a new driveway or the relocation of an existing driveway to the road/highway? ☐ Yes ☐ No

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PART V — APPEALS
Section 28

Planning Act

may appeal the decision to the Commission by filing with the Commission a notice of appeal.

Appeals from decisions of council

- (1.1) Subject to subsections (1.2) to (1.4), any person who is dissatisfied by a decision of the council of a municipality
- (a) that is made in respect of an application by the person, or any other person, under a bylaw for
 - (i) a development permit,
 - (i.1) an occupancy permit, in relation to a matter under this Act or the regulations,
 - (ii) a preliminary approval of a subdivision,
 - (iii) a final approval of a subdivision; or
 - (b) to adopt an amendment to a bylaw, including
 - (i) an amendment to a zoning map established in a bylaw, or
 - (ii) an amendment to the text of a bylaw,

may appeal the decision to the Commission by filing with the Commission a notice of appeal.

“bylaw”

- (1.2) In subsection (1.1) and subsection (1.4) “**bylaw**” means a bylaw made under this Act.

Notice of appeal and time for filing

- (1.3) A notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

Council decision that requires Minister’s approval

- (1.4) For greater certainty, where a person is dissatisfied by the decision of a council of a municipality to adopt an amendment to a bylaw, the 21-day period for filing a notice of appeal under this section commences on the date that the council gave final reading to the amendment to the bylaw.

Elimination of appeal when development approved under *Environmental Protection Act*

- (2) Where the Lieutenant Governor in Council has by order declared that
- (a) a development for which approval is required under the *Environmental Protection Act* has met all the requirements of that Act and written approval has been given;
 - (a.1) a development for which approval is required under the *Water Act* has met all the requirements of that Act and written approval has been given; and
 - (b) the right of appeal to the Commission in respect of that development should be curtailed,

subsection (1) has no application and there is no right of appeal to the Commission in respect of a decision on that development.

Reasons to be tabled

- (3) Where a declaration has been made under subsection (2), the Lieutenant Governor in Council shall submit to the next session of the Legislative Assembly a statement of the reasons for making the declaration.

Exceptions

- (4) No appeal lies from a decision of the council or the Minister respecting

- (a) the final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision; or

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