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Cc: [Nathan Kember](#); [Philip Rafuse](#); [Michelle Walsh-Doucette](#); [Derek Key](#)
Subject: Dockets LA23010, LA23023 and LA23026 – Randy Pitre v. City of Summerside (Developer: Strategic Holdings Inc.)
Date: Monday, June 17, 2024 10:04:55 AM
Attachments: [image001.png](#)

RE: Dockets LA23010, LA23023 and LA23026 – Randy Pitre v. City of Summerside (Developer: Strategic Holdings Inc.)

Attn: Randy Pitre, Appellant
Iain McCarvill, Counsel for the City of Summerside
Andrew Campbell, Counsel for the Developer, Strategic Holdings Inc.

All,

I am writing further to the above noted appeal dockets with direction on moving these matters forward.

Re: Docket LR23010

This is an appeal of an Official Plan amendment and Zoning amendment. As you know, on April 25, 2023, Commission staff invited written submissions from all parties on the question of the Commission's jurisdiction as it relates to the Appellant's grounds of appeal. The parties provided submissions in response. In respect of this appeal, the Commission will provide an update in due course.

Re: Dockets LR23023 and LR23026

These two dockets are appeals related to:

- Preliminary Subdivision approval and two Zoning Amendments (Docket LR23023)
- Site Plan approval (Docket LR23026)
- Partial Building Permit approval (Docket LR23026)

1. Partial Building Permit (Docket LR23026)

Regarding the appeal of the Partial Building Permit, as you will recall, via email on November 8, 2023 and again via letter dated November 15, 2023, the City of Summerside requested that the appeal be dismissed in respect of the Partial Building Permit on the basis that the Commission lacks jurisdiction to hear appeals of building permits. Mr. Pitre provided a response in writing via email on November 9, 2023, and via letter dated December 4, 2023. The Developer provided their position in writing via letter dated December 27, 2023, to which Mr. Pitre responded in writing on January 2, 2024.

On this matter, the Commission will issue an order in respect of the jurisdictional issue with the Partial Building Permit in due course. In doing so, the Commission will review all submissions already provided by all parties (as outlined above). However, should any party wish to make further written submissions, please advise ASAP.

2. Preliminary Subdivision approval and two Zoning Amendments (Docket LR23023) and the Site Plan approval (Docket LR23026)

With respect to the other outstanding items being appealed – being the Preliminary Subdivision approval and two Zoning Amendments (Docket LR23023) and the Site Plan approval (Docket LR23026) – it appears that the grounds of appeal raised by the Appellant are primarily procedural in nature. Therefore, at this time, the Commission is of the view that those matters can also be dealt with by way of a hearing in writing pursuant to Rule 41 of the Commission's Rules of Practice and Procedure. **If any party wishes to comment on the proposed format for hearing these matters in writing, please advise.**

Further to this, the Commission will review all submissions previously provided by the Appellant, the City of Summerside, and the Developer, Strategic Holdings Inc., concerning **the Preliminary Subdivision approval and two Zoning Amendments (Docket LR23023) and the Site Plan approval (Docket LR23026)**. If any party wishes to make additional submissions in writing on these appeal matters, we request:

- i. the Appellant provide any additional submissions by **July 3, 2024**; and
- ii. the City and Developer provide any additional submissions by **July 17, 2024**.

If necessary, the Appellant will have one further week to reply to any additional submissions made by the City and/or Developer (by **July 24, 2024**).

If any party does not intend to make additional submissions on the issue of jurisdiction, please advise us as promptly as possible so that the Commission can move to deliberation on this matter.

Finally, I should note that in accordance with Rule 41.2.(b) of the Commission's Rules of Practice and Procedure, upon review of the written submissions the Commission may either make a final determination of the matter without an oral hearing, or proceed to an oral hearing.

If any party has any questions about this direction, please feel free to reach out at any time.

Thank you,
Jessica



Jessica M. Gillis (she/her)

General Counsel

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