



Arsenault Properties
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Via Email (PJRafuse@irac.pe.ca)

May 8, 2023

Philip J. Rafuse
Appeals Administrator
Island Regulatory and Appeals Commission
National Bank Tower, Suite 501
PO Box 577
Charlottetown PE, C1A 7L1

Re: Appeal #LA23-003 Alan Thompson et al. v. Town of Cornwall

Dear Mr. Rafuse,

This letter is meant to serve as the Developer's official response to the package submitted by the Appellants in which we received on May 1, 2023.

The Notice of Appeal that was filed on February 13, 2023 was in relation to the Town of Cornwall's decision to approve a rezoning of 522 Capital Drive (PID #245613) from the Single Family Residential (R1) Zone to the General Commercial (C1) Zone.

As part of the Notice of Appeal, the Appellants cited the following grounds for this appeal:

- 1. The Town of Cornwall did not follow its proper procedure as set out in the bylaws, the Planning Act and the law in general including the duty of fairness; and*
- 2. The Town of Cornwall's decision in this matter is not consistent with sound planning principles in the area of land use planning.*

It is in our opinion that the Appellants have included arguments in their May 1, 2023 package that are not relevant based on the grounds of appeal cited above (or to a rezoning appeal, generally), including but not limited to, the condition of other apartment buildings in the Town, speculation that municipal and provincial regulations will not be satisfied prior to formal plans being submitted as part of the development permit / special permit process, and what the Appellants believe should be built on the subject property.



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As the Commission is aware, the appeal and supporting arguments should be based upon the grounds cited above. The Developers have not applied or received approval for a development permit through Section 3.1.1 of the Zoning & Subdivision Control (Development) Bylaw or a special permit use through Section 14.3.1.c. of the Bylaw for the construction of an apartment dwelling; therefore, any submission made by the Appellants concerning the design or construction of a building on the property is entirely irrelevant at this stage.

It is our opinion, based on the Appellants' submissions and the decision not to engage a professional land use planner, that this appeal is made either frivolously to delay development of the site or it is made without a comprehensive understanding of the matter in question. We therefore are of the opinion that this appeal should be dismissed.

In the absence of the Commission's authority to dismiss the appeal at this juncture, the Developers are requesting a hearing date at the Commission's earliest convenience to deal with this appeal and bring this matter to a conclusion.

Respectfully,

A handwritten signature in black ink, appearing to read "DA Arsenault", is written over a light grey rectangular background.

David Arsenault, CPA
President, Arsenault Properties

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