

**PRINCE EDWARD ISLAND  
ISLAND REGULATORY AND APPEALS COMMISSION  
DOCKET LA23026 / LA23023 / LA23010**

BETWEEN:

**RANDY PITRE**

**APPELLANT  
(RESPONDING PARTY)**

AND:

**CITY OF SUMMERSIDE**

**RESPONDENT  
(MOVING PARTY)**

**NOTICE OF MOTION**

The Moving Party, the City of Summerside, will make a Motion to the Island Regulatory and Appeals Commission (the “**Commission**”), on a date and time to be fixed, at the Commission offices located at 134 Kent Street, National Bank Tower Suite 501, Charlottetown, Queens County, Province of Prince Edward Island.

**THE MOTION IS FOR:**

1. An Order, pursuant to Rule 31(1) of the Commission’s *Rules of Practice and Procedure*, directing that a question of jurisdiction be heard, either through oral or written submissions, and determined prior to a hearing on the merits of the appeals;
2. An Order, pursuant to Rule 31(2) of the Commission’s *Rules of Practice and Procedure*, dismissing the appeals in their entirety for lack of jurisdiction or standing.

## THE GROUNDS FOR THE MOTION ARE:

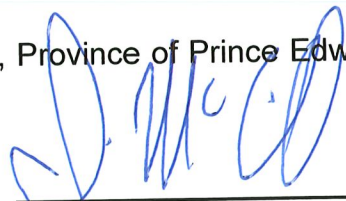
1. The Appellant, Randy Pitre (the “**Appellant**”) has filed three appeals in relation to municipal planning decisions of the City of Summerside, being LA23010, LA23023 and LA23026 (the “**Appeals**”).
2. The development at issue is located within the City of Summerside.
3. Per the Notices of Appeals filed, it appears that the Appellant resides at 280 Keppoch Road in Stratford, PE.
4. It appears that the Appellant does not, and did not at the time the Appeals were filed, own property within the City of Summerside.
5. It appears that the Appellant is not, and was not at the time the Appeals were filed, a resident of the City of Summerside.
6. The Appeals all relate to projects undertaken by the same Developer.
7. It appears that the Appellant is involved in disputes with the Developer that are not related to the process or merits of the development at issue.
8. The Appellant has identified numerous grounds of appeal that are not related to the process or merits of the development at issue in the Appeals.
9. Pursuant to section 28(1.1) of the *Planning Act*, RSPEI 1988, c P-8, as it stood at the time the Appeals were filed, “[...] any person who is dissatisfied by a decision of the council of a municipality [...]” [Underlining Added] with respect to a rezoning, preliminary subdivision approval, or the issuance of a development permit, had a right to appeal the decision to the Commission.
10. The phrase “*a person dissatisfied*” has been judicially considered in several Canadian provinces. This language is not intended to provide a right of appeal to anyone in the whole world who may not like a decision of a municipal council.
11. The language of “*a person dissatisfied*” is intended to mean a person with a real and present interest in the proceedings and its outcome. The phrase “*a person dissatisfied*” has been judicially considered to have the same meaning as the phrase “*a person aggrieved*”.
12. In or about November of 2023, the Legislature adopted amendments to the *Planning Act* that incorporated an “*aggrieved person*” standard to determine who had standing to appeal a decision of the Minister or a municipal council to the Commission.

13. Subsection 16(2) of the *Interpretation Act*, RSPEI 1988, c I-8.1, provides that the amendment of an enactment does not imply a change in the law.
14. The Appellant does not meet the standard of “a person dissatisfied” or “a person aggrieved” in bringing the Appeals, and thus lacks standing to bring the Appeals.
15. Section 28(1.1) of the *Planning Act* (both in force at the time the appeals were filed and as presently in force).
16. Sections 2, 28(5) and 27.1 of the *Planning Act*.
17. The Commission’s *Rules of Practice and Procedure*, including Rule 31, 32, and 61.

**THE FOLLOWING DOCUMENTS** will be used at the hearing of this motion:

1. The Notices of Appeal and attachments filed by the Appellant in the Appeals;
2. City Records showing list of Property Owners within 30m of the Development;
3. The Commission’s *Rules of Practice and Procedure*;
4. *Planning Act*, RSPEI 1988, c P-8;
5. *Interpretation Act*, RSPEI 1988, c I-8.1;
6. City of Summerside *Zoning Bylaw* SS-15; and
7. Such further and other material as counsel may advise and this Honourable Court may permit.

**DATED** at the City of Summerside, in Prince County, Province of Prince Edward Island on the 9th day of December, 2024.



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**PITRE v. SUMMERSIDE**

**LA23010 / LA23023 / LA23026**

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**ISLAND REGULATORY AND  
APPEALS COMMISSION**

**PROCEEDING COMMENCED AT  
CHARLOTTETOWN, PEI**

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**NOTICE OF MOTION**

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