

January 2, 2025

Island Regulatory and Appeals Commission  
Attention: Philip J. Rafuse, Appeals Administrator  
National Bank Tower  
134 Kent Street, Suite 501  
Charlottetown, PE C1A 7L1

Dear Mr. Rafuse,

Re: LA23010, LA23023 and LA23026 (the "Appeals")  
Randy Pitre v. City of Summerside (Developer - Strategic Holdings Inc.)

We write on behalf of Strategic Holdings Inc. (the "Developer") regarding the Notice of Motion filed by the City of Summerside (the "Respondent") seeking an Order pursuant to Rule 31(2) of the Island Regulatory and Appeals Commission's (the "Commission") *Rules of Practice and Procedure*, dismissing the appeals of Randy Pitre (the "Appellant") in their entirety for a lack of jurisdiction or standing. We write further to our letter in support of the Respondent on December 27<sup>th</sup>, 2023, in which we respectfully submitted the Appellant does not have jurisdiction to continue these Appeals. We write now in support of the City of Summerside, and their Notice of Motion before the Commission.

Our position on jurisdiction remains unchanged one year later. The *Planning Act*, R.S.P.E.I. 1988, c. P-8 (the "Act") formerly stated in section 28.(1.1) that any person dissatisfied by a decision of the council of a municipality may appeal the decision to the Commission. The Developer supports the Respondent's submission that subsection 16(2) of the *Interpretation Act*, R.S.P.E.I. 1988, c. I-8.1 indicates that an amendment of an enactment does not imply a change in the law.

Section 28.(1.1) of the Act currently states an aggrieved person may appeal a decision of a municipal council in respect of an application under a bylaw, or to adopt an amendment to a bylaw, by filing a notice of appeal with the Commission. Section 27.1 of the Act defines an aggrieved person, meaning "in respect of a decision of the Minister under subsection 28(1) or the council of a municipality under subsection 28(1.1) as

- (a) the applicant;
- (b) the Minister;
- (c) a municipality affected by the decision;

- (d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual's property or property occupied by the individual;
- (e) an incorporated organization, the objects of which include promoting or protecting
  - (i) the quality of life of persons residing in the neighbourhood affected by the decision,
  - (ii) the natural environment in the community affected by the decision, or
  - (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision; or
- (f) an organization, the majority of whose members are individuals referred to in clause (d)."

The Appellant does not meet the definition of an aggrieved person. The Appellant does not currently reside in, nor own property in the City of Summerside, nor did the Appellant reside in, or own property in the City of Summerside at such time the Appeals were filed. The decision of council for the City of Summerside does not affect the Appellant's interests.

As the Respondent correctly stated in their Notice of Motion, the Appellant is involved in disputes with the Developer that do not relate to the process or merits of the development at issue. Further, the Appellant continues to identify grounds of appeal that have no correlation to the process or merits of the development at issue in the Appeals. The Appellant continues to make frivolous and vexatious accusations against the Developer, Respondent and Commission. Respectfully, the actions of the Appellant have been an abuse of process, and misuse of the Commission's resources.

The legislation never intended that a dissatisfied person with no interests in the City of Summerside would have standing to bring these Appeals, especially where the Appeals lack merit. It is the Developer's respectful submission that the Appellant does not meet the definition of an aggrieved person, nor do the decisions of the Respondent have any affect on the Appellant.

It remains the respectful submission of the Developer that the Appellant lacks standing to bring these Appeals.

Yours very truly,



Andrew Sharpe

on behalf of J. Andrew D. Campbell, K.C., Counsel for the Developer

cc. J. Andrew D. Campbell, K.C., Counsel for the Developer, Strategic Holdings Inc.  
Jessica Gillis, Counsel for the Island Regulatory and Appeals Commission  
Randy Pitre, Appellant  
Iain M. McCarvill, Counsel for Respondent, City of Summerside