

Wednesday, October 29, 2025

Cover Letter response to City Record

Good afternoon,

My response to the City Record regarding Appeal # LA25011, is attached.

I have recently been made aware of concerns raised by residents that were sent to the City via correspondence, that have been omitted from the City Record, regarding this project.

As many documents are missing from the City Record, some of which may impact the arguments put forward in this document, I reserve the right to amend this document as well as respond to any new documents provided by the City.

Sincerely,

Louise Aalders

APPELLANT'S RESPONSE - LA 25011

October 29, 2025

VIA EMAIL (mwalshdoucette@irac.pe.ca)

The Island Regulatory & Appeals Commission
Attention: Michelle Walsh-Doucette, Commission
Clerk National Bank Tower, Suite 501
134 Kent
Street
Charlottetown,
PEI C1A 7L1

Dear Ms. Walsh-Doucette:

RE: Appeal #LA25011 - Louise Aalders v City of Charlottetown

As requested by the Commission, the grounds of appeal set out in the Notice of Appeal are clarified and particularized in the Reconsideration Request which appears in the City Record in Tab 9, "September 2, 2025, City of Charlottetown Committee Report with attachments:".

After review of the City Record and the mapped location of the buffer zone provided by the province, it is apparent that the proposed development also does not conform with section 6.10.1.

I have also noted that the non-scaled renderings provided for the Design review were not compliant with 3.14.2.a, being neither architectural plans nor elevation drawings as no dimensions are provided.

3.14.2. All Development and/or Building Permit applications subject to Design Review shall be accompanied by:

a. Architectural plans and elevation drawings indicating compliance with this by-law.

The following is the Appellant's response to the City of Charlottetown's letter of October 7th, 2025 combined with a response to the Record as requested in the Commission's email of Oct. 14, 2025.

The Appellant respectfully requests that the Commission not dismiss the appeal as requested by the City for the following reasons. The response is organized to follow the City's submission.

1. Duty of Procedural Fairness

The Appellant alleges that the City's decision to issue the Permit was not made in accordance with the duty of procedural fairness. The City submits that there is no evidence to suggest that the City's duty of procedural fairness was not adhered to. The Permit was issued in accordance with the process set out in the Z&D Bylaw, which does not require public consultation prior to issuance of the Permit.

An excerpt from the Government of Canada website (<https://www.canada.ca/en/ombudsman-national-defence-forces/education-information/civilian-employees/procedural-fairness.html>) reads in part :

“Decision-makers have a legal obligation to make decisions in a procedurally fair and transparent manner.

To ensure this duty is met, parties to an administrative process are given certain procedural fairness protections based on the nature of the decision being made and its impact on the parties. At a minimum, you generally have the following procedural fairness protections:

- **Unbiased decision-maker:** parties have a right to a decision-maker that acts in a neutral and unbiased manner, free from influence that could lead a reasonable person to doubt their impartiality.”

There are two emails from the Planning Manager on July 3 to APM staff, the Developer, City staff “I've been off since last week and if this hasn't been issued by now, we'll move to have it out by tomorrow if there is no issue (which I assume there isn't).” Similarly, on July 15 to multiple recipients (Mayor, Chair of Planning, City CAO, APM staff, Developer) stating “As mentioned, the Permit has cleared Planning review and I've asked Building staff to prioritize so they can issue as soon as possible.” Clearly, this application is receiving special treatment – which is being shared with city administrative staff and elected officials. This can be construed as bias and therefore, not consistent with the duty of procedural fairness.

The Planning Manager indicated in an July 30, 2025 e-mail (City Record Tab 9) that they appeared to have trusted Developer to provide the correct measurements for the Buffer Zone provincial Buffer Zone.

“Dale confirmed a few things in terms of regulation In that the 15-metre buffer is measured back from the top-of. bank of the nearest exposed point along the sea-wall -this does differ in a nuanced way from what we generally understood to be the high-water mark as Tim has indicated on his past site plans for the development. How that might affect the positioning and shape of the building I cannot say but we will see how this shakes out once Tim applies and the Province reviews.”

Relying on the Developer’s information rather than validating that information themselves, could be seen as bias in favour of the Developer for not verifying their measurements. It is quite clear from comparing the submitted site plan (SP1 The Banks) to the provincial government’s map of the stakes indicating the Buffer Zone that any work being done as site preparation involves the Buffer Zone and therefore needed a permit (Figure 1)



Figure 1 Overlay of Provincial stakes showing the location of the Buffer Zone with the site plan, SP1 The Banks, provided by APM

There are conflicting positions in the City record regarding whether or not site leveling as indicated in the application form for the permit #214-BLD-25 was allowed. The Planning Manager clearly states in an e-mail on July 30th (Tab 6) that site leveling will not occur in response to a concern raised by the province. The Planning Manager has also taken that stance in the media and that position is reinforced by in the statement issued Aug. 8, 2025 (Tab 8 “Various”, page 153) by the Planning and Heritage Department

“The City issued a permit for site mobilization to allow for the installation of construction fencing and the addition of a construction trailer to support future work on July 15, 2025”

Note, no mention of site leveling. Also,

“A provincial permit is required for any development where fill is hauled off-site. This includes a test for contamination. It is not yet known if this permit will be required. It will be up to the province to determine that, and to conduct the review if necessary”.

However, in the Sept. 2 Planning Staff report regarding the reconsideration request, this position has now changed and “As the Permit only authorized the installation of a construction trailer and construction fencing on the site “...as well as limited stripping of material from the property,” was now apparently allowed. What changed? The Developer felled trees in the Buffer Zone and began leveling the soil and removing fill from the site August 8 -13, 2025, before the Buffer Zone permit had been issued Aug 14, 2025 which only allowed for tree felling and moving the boardwalk – not soil excavation or removal. The Developer is not being held account for apparently breaching the conditions of the Permit #214-BLD-25 as stated in the notice issued by the City August 8, 2025. The Planning Manager clearly changed his position in favour of the Developer by the time of the Sept 2, 2025 report which

bears his name as the Reviewer. This could be construed as bias and therefore not consistent with procedural fairness as defined above.

It is also important to note here that this change in position is in direct conflict with what was told to the provincial Environmental Assessment Officer in the email of July 30th. Was the City misleading the province in favour of the Developer as to what would be allowed in the permit or, did the City change its position at some point? This email thread mentions “a discussion today”. The City Record does not contain any information about this discussion. If there are minutes, email messages, or text messages, they should be included in the record for context and a more complete understanding of the issues discussed for the purposes of this appeal.

Soil Testing of infilled site.

The City has apparently taken the Developer’s word that the site is “clean”. Where are the soil test results that were needed based on email of July 30 from the Planning Manager to the Director of Planning, Building Inspector Manager, and intake staff (City Record Tab 9)?

“Also, Dale confirmed that Provincial permitting is required if any fill is proposed to be hauled off-site and would have to be tested for potential contamination.

In any event, once the Permit arrives, we can commence our own reviews for Zoning and Building Code but I told Dale that we not issue any Permits for construction until we have final clearance from the Province under their regulations that may apply here.”

Is the province complicit in this bias towards the Developer? At one point, the province states soil testing must be done before the soil is removed from the site, yet truckloads were removed with no information provided in the City Record that this material was tested in a robust and scientific manner e.g., the testing protocol used for the Emergency Shelter report.

The City indicates the province said there was no record of contamination. Is that the case, or are there simply no records – a different situation entirely. The environmental record for this site was not part of the City Record. What were the search results? If no records were found, yet photo evidence shows conclusively that the area was infilled, why weren’t soil samples taken for testing. If they were tested, where are the results?

Failing to actively look for a problem to avoid finding one is the equivalent of bias towards the Developer.

Were the site testing results from an environmental site assessment to trigger a provincial Environmental Impact Assessment review, public consultation would have been part of the review. By not requiring soil testing, the City and province could be seen as showing bias towards the Developer and against the general public by potentially denying them the right for public consultation. As no records have been provided showing the soil is safe, we can not know. Assuming the soil is safe could be considered reckless and contrary to sound planning principles (see point 2 below).

2. Sound Planning Principles

The Appellant alleges that the issuance of the Permit is contrary to sound planning principles. There is no evidence to suggest this is the case. The City's Planning & Heritage Department is staffed by professional land use planners, who are trained to always consider the process and procedures set out in the Z&D Bylaw, Official Plan and sound planning principles. The Permit was issued as-of-right per the Z&D Bylaw and there were no outstanding sound planning reasons as to why it should have been denied.

The City has failed to provide any evidence that the soil removed from the site was tested despite the photographic evidence provided that the site was infilled significantly around the 1950s. Emails from the province indicate that there is no record of the infill. That alone should have required investigation of the material that was used. Lack of a record of what material was used does not guarantee that the material was clean and environmentally safe. Failure to thoroughly investigate the infill material used fails to demonstrate prudence, good nor sound planning principles. By failing to conclusively determine what fill material was used at the site and the potential risk to terrestrial, aerial, or aquatic life prior to issuing the permit does not demonstrate sound planning principles.

Page 62 of the City record, planning staff report on reconsideration request makes the statement "At the time the Permit was issued, contact was made with Provincial staff and clearance was obtained with respect to the EPA Watercourse and Wetland Protection Regulations for this specific Permit." provides a misleading version of the events. The permit #214-BLD-25 was issued on July 15, 2025. There is no correspondence with the province prior to issuing this permit based on the City record that the City made any effort to confirm. Tab 6 provides correspondence between July 30th and August 1st the province specifically asks for clarification that work on the site "SITE TO BE STRIPPED LEVEL" as indicated in the diagram submitted with the will not be part of the permit. This was confirmed by the Planning Manager

"To confirm, the Permit was issued for "Site Mobilization and Construction Hoarding" work only and nothing beyond that."

The provincial Environmental Assessment Officer, also clearly states in an August 1, 2025 email that:

"Staff marked the Buffer Zone yesterday [July 31, 2025] with 6 survey stakes (as per the attached map) using the correct measurement from the top of bank. As discussed, the drawing included in the Development Agreement shows a measurement taken from the "high water mark" (which is not correct) and appears to have a portion of the proposed development located within the 15 m buffer."

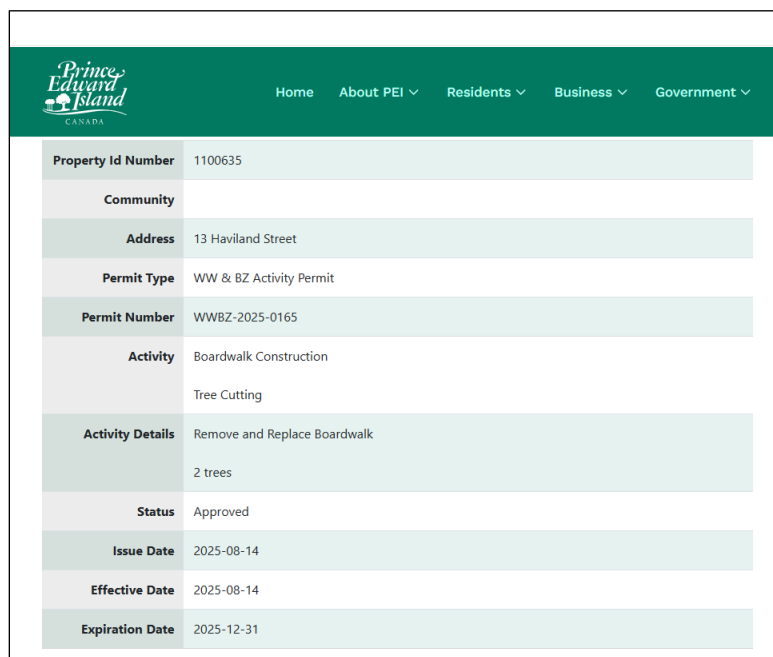
and

"Note that there is still a prohibition on new development in a Buffer Zone and that any site work within the Buffer Zone requires a Buffer Zone Activity Permit."

First, the Planning Manager is being told by the provincial officer that the measurements and location of the Buffer Zone as provided by the Developer are incorrect and even more importantly that part of the

building appears to be within the provincial Buffer Zone. It would be reasonable to expect at this point that the Planning Manager would suspend permit #214-BLD-25 so that these details could be corrected on the site diagram to ensure that all City bylaws and provincial acts were being followed prior to re-issuing a permit or, simply cancel the permit. Sound planning principles would expect a Planning Manager to confirm details of location of the Buffer Zone and the building footprint before even issuing the permit in the first place.

Furthermore, the Planning Manager was advised (emails and photos sent August 8-11, 2025) by the Appellant that there was extensive site leveling, soil was being removed from the site, and that trees were being felled on the property in contradiction of what was allowed i.e., installation of a construction trailer and construction fencing on the site per the Planning Manager’s email to the Appellant and statement issued by Planning & Heritage. It would be reasonable to expect that sound planning principles would dictate that upon hearing that work was being done outside the scope of permit #214-BLD-25, the Planning Manager would have 1) advised the Developer to stop and 2) check with the province to see if a Buffer Zone permit was in place so that the Developer was compliant with the provincial regulations, and consequently with the Zoning and Development bylaw, section 3.3.9.a. No evidence of these actions has been provided. Notably, the Buffer Zone permit allowing for removal of two trees and to “remove and replace boardwalk” was only issued on August 14, 2025, so had this been checked for, it would not have existed. This can be seen as an example of poor planning principles and, potentially more bias in favour of the Developer on the part of the Planning & Heritage Department (see Section 1 above)



Property Id Number	1100635
Community	
Address	13 Haviland Street
Permit Type	WW & BZ Activity Permit
Permit Number	WWBZ-2025-0165
Activity	Boardwalk Construction Tree Cutting
Activity Details	Remove and Replace Boardwalk 2 trees
Status	Approved
Issue Date	2025-08-14
Effective Date	2025-08-14
Expiration Date	2025-12-31

Figure 2 Provincial Buffer Zone permit (screenshot, awaiting details via FOIPP)

It is also very concerning that while advising a resident and a provincial environment officer of one list of allowed activity via the permit, the allowed activities changed subtly in the Sept. 2, 2025, Planning Staff response to the reconsideration request, conveniently fitting with the work that was done on the site.

“As the Permit only authorized the installation of a construction trailer and construction fencing on the site as well as limited stripping of material from the property.”

The site has been levelled as per the diagram in the application – in complete contrast to what the Planning Manager advised the province was allowed on July 30, 2025.

How does substantially changing an official response to the same question qualify as sound planning principles?

The City failed to even confirm the location of the provincial Buffer Zone before issuing permit #214-BLD-25 on July 15, 2025. This is a clear example of failure to practice sound planning principles.

3. *Potential Hazard to boardwalk visitors and aquatic life*

The Appellant alleges that the proposed development poses a potential hazard to boardwalk visitors and aquatic life per sections 3.3.9(d) and (e) of the Z&D Bylaw. Respectfully, the proposed development of an apartment building is not the subject of the Appeal. The Permit is a permit for foundation work only, meaning the potential hazard posed by the apartment building as alleged by the Appellant is not relevant.

Despite our position on the applicability of this ground of appeal, the City submits that the proposed development does not pose a hazard to visitors and aquatic life. When the Developer applies to the City for the next phase of a Building & Development Permit, the Developer will be required to submit documentation in accordance with section 3 of the Z&D Bylaw. The Development Officer has discretion, per section 3.3.9, to approve or deny the Building & Development Permit if, among other things, the proposed development impact would be detrimental to the environment, or health and safety of residents. At this stage, there is no evidence to suggest that is or would be the case but that question will be fully considered at the next stage of development.

Environmental protection is a matter of Provincial jurisdiction per the Environmental Protection Act, RSPEI 1988, c E-9 (UEPA") and other applicable legislation. The Developer must comply with the requirements set out in the EPA, and other environment related legislation. The City will consult with the Province in this regard and ensure all proper documentation and information is in place before issuing any permits. The City and the Province have been in contact in this regard, which communication can be found at Tab 6 of the City's Record.

Permit #214-BLD-2025 is for Site Mobilization and Construction Hoarding, it is not a Foundation permit.

The proposed development requires large amounts of as yet, apparently, untested soil to be removed and transported off site. Depending on the as yet unknown characteristics of this material, it is possible that airborne contamination, contamination the landfill site, and possible contamination of the adjacent watercourse (Hillsborough Harbour) has occurred or will occur if the development proceeds. While Planning Staff stated "Similarly, Provincial Department of Environment staff responded with respect to the quality of earthen materials and confirmed that no record of contamination exists for the subject property." And " these activities as well as the history of the property were not confirmed by the Provincial Department of Environment as passing the thresholds necessary to warrant the need for either an ESA or EIA study." in their response to the Reconsideration Request, no documentation has been provided in the City Record for this appeal as to what infill material was used or its safety to be disturbed and removed. Lack of recorded evidence of contamination does not rule out the potential for contamination. All it proves is that not enough is known and that the quality of the material should be confirmed.

If the City is relying on a statement by the Developer in the media that he has had the site checked, this information/these results should be included in the City Record for review. Simply trusting the Developer to provide correct information could be interpreted as bias and demonstrate poor planning

principles – especially as the Developer has incorrectly located the Buffer Zone limits on the submitted Site Plan.

If the province provided information to the City in this regard, it should be in the Record to allow it to be scrutinised.

I respectfully disagree with the City's position that concerns re *"proposed development impact would be detrimental to the environment, or health and safety of residents"* can be delayed until it they *".... will be fully considered at the next stage of development."* The Commission has ruled that planning appeals need to be appealed at the first possible stage – in this case, the site mobilization and construction hoarding permit, especially as soil and vegetation has been removed which the city now says is part of the permit, thereby clearly making this a development permit per the definition of development in the Planning Act (section 1. (d) (i)).

Regarding the statement above *"The City will consult with the Province in this regard and ensure all proper documentation and information is in place before issuing any permits."*, it is clear from my comments in Section 2 above and the dates (July 30 – Aug 1, 2025) on the email correspondence in Tab 6 of the City Record that the City has already failed in its duty to consult with the province prior to issuing any permits, specifically issuing Permit #214-BLD-25 on July 15, 2025.

4. Z&D Bylaw

The Appellant alleges that the Permit does not conform to section 3.3.9(a) of the Z&D Bylaw as it does not confirm to sections 34.3.3, 34.3.4, 34.3.7 and 46.11.7 of the Z&D Bylaw. The provisions referenced by the Appellant include requirements for front or flankage yard, rear or side yard, parking lot buffer and location of parking. Respectfully, these provisions do not apply to the Permit. These provisions are applicable to an application for a Building & Development Permit for the foundation stage and construction of the building stage. A new Building & Development Permit will not be issued until such time as the Developer complies with these provisions, amongst several others. It is at this stage that the Developer can apply for a variance pursuant to sections 3.8 or 3.9 of the Z&D Bylaw, if required.

Again, I respectfully disagree with the City on the point “3.3.9(a) of the Z&D Bylaw as it does not confirm to sections 34.3.3, 34.3.4, 34.3.7 and 46.11.7 of the Z&D Bylaw.”. Permit #214-BLD-25 is the first part of a staged development based on a sketch approved by the Design Review Board. The intended development plan for the lot is clear and all potential violations of the Zoning and Development bylaw must be considered at the earliest step so that corrections can be made as required. More importantly, it has become clear with review of the record that 3.3.9.a applies with respect to The Watercourse and Wetland Environmental Buffer regulated under the provincial *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and thereby section 6.10.1 of the Zoning and Development bylaw. The City has failed to provide any evidence other than unsupported comments from others that section 3.3.9.d and 3.3.9.e do not apply.

At this time, I would also point out that I have shown that issuing permit #214-BLD-25, did not comply provincial Environmental Protection Watercourse and Wetland Protection Regulations as stated in the Reconsideration Request submitted to the City. The City: failed to check the correct location of the Buffer Zone and relationship to the proposed development before issuing permit #214-BLD-25; failed to suspend or revoke the permit once it became aware that levelling work was being done in the provincial Buffer Zone animated activity allowed in the permit. The permit application should have been rejected initially under section 3.3.9.a. and subsequently revoked.

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation;

The mapped location of the buffer zone provided by the province shows that the proposed development falls within the Buffer Zone and does not meet the minimum setbacks (section 6.10.1). As the property is not located between the Queen Charlotte Armories and the Hillsborough Bridge, 6.10.2 can not be applied.

6.10.1 Where part of the Lot Area of a Lot is located within or adjacent to a Watercourse or Wetland, the minimum required Setback shall be measured from the nearest wall of the main Building or Structure to the edge of the Watercourse and Wetland Environmental Buffer, as defined in the regulations of the *Environmental Protection Act* (See Appendix E).

6.10.2 Notwithstanding the foregoing required minimum Building Setback, the Development Officer may approve a lesser Setback, if the applicant provides a copy of an approved Watercourse and Wetland Alteration Permit in accordance with the *Environmental Protection Act* and:

a. The property is located on the Charlottetown Waterfront between the Queen Charlotte Armories and the Hillsborough Bridge;

The City has failed to provide documentation that can be evaluated that the infill on the site provides no risk to the environment or the public if disturbed. All that has been provided are unsupported comments from the province and the Developer that the site poses no risk. Given the lack of documentation, I stand by my position that section 3.3.9.d and 3.3.9.e apply and the permit should have been rejected as stated in Reconsideration Request, Section B1 (City Record, Tab 9)

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

d. The impact of the proposed Development would be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;

e. The proposed Development would be detrimental to the convenience, health or safety of the occupants or residents in the vicinity or the general public.

I maintain the position that a step back is required as stated in section B.2.iii of my reconsideration request. At 21.54 m, the building has 8.54 m of height above the 13 m limit therefore, one of the two conditions for a stepback has been met. A variance is required.

I maintain the position in B.2.iv that a minimum Land Use Buffer of 1.5m shall be provided along all other Lot Lines and has not been provided along the entire length of the lot line shared with the Holland College's Culinary Institute (PID#335463).

I also note that the form submitted by the Developer is requesting a permit for a property at 13 Haviland St (PID#335448). The property in question is 15 Haviland St with PID#1100635. It appears that the City has issued a permit for a property for which an application form was not submitted. There is no correction made on the form nor any correspondence requesting it be modified to the PID# for 15 Haviland St.. Has a Planning Staff member independently, and without instruction, modified a permit application form? If so, I would argue that permit #214-BLD-25 for PID#1100635 is not valid as no application form for this PID was ever submitted.

As there are no specific requirements for Site Mobilization and Construction Hoarding permits in the Zoning and Development bylaw, it seems reasonable that requirements listed under section 3.3.5 apply. Many are missing (3.3.5 a, 3.3.5.d, 3.3.5 e). The permit application did not contain the required documents, i.e., as it was in the Buffer Zone, section 3.3.5.e required the applicant to provide “Any other information as may be required or which may be necessary to ensure compliance with the provisions of the *City of Charlottetown Building Code By-law*.”. In this case, a Buffer Zone permit from the province was necessary. I will also note that based on diagrams provided by the province (City Record, Tab 3), the applicant provided false and misleading information regarding the location of their building with respect to the provincial Buffer Zone. For this reason as well, permit #214-BLD-2025 should be rescinded.

As many documents are missing from the City Record, some of which may impact the arguments put forward in this document, I reserve the right to amend this document as well as respond to any new documents provided by the City.

Sincerely,

Louise Aalders

SUPPLEMENTARY DOCUMENTS

-
From: **Louise Aalders** <aalderslouise@gmail.com>
Date: Fri, Aug 8, 2025 at 7:53 AM
Subject: Removal of Asphalt 15 Haviland
To: Gundrum, David <dgundrum@charlottetown.ca>
Cc: <mruus@charlottetown.ca>, <dethompson@gov.pe.ca>

Morning,

APM is currently removing the asphalt from 15 Haviland into trucks for removal.

Do they have the approved permit from Environment to do this?

Please advise

Thank you

Louise Aalders

From: **Louise Aalders** <aalderslouise@gmail.com>
Date: Fri, Aug 8, 2025 at 2:25 PM
Subject: Re: Site removal of asphalt 15 Haviland St
To: Ruus, Michael <mruus@charlottetown.ca>
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>, Jankov, Alanna <ajankov@charlottetown.ca>, MacConnell, Brad <bmacconnell@charlottetown.ca>, dethompson@gov.pe.ca <dethompson@gov.pe.ca>, Gundrum, David <dgundrum@charlottetown.ca>, McCabe, Julie L. <jlmccabe@charlottetown.ca>, Tweel, Mitchell <mtweel@charlottetown.ca>, McAleer, John <jmcaleer@charlottetown.ca>, Beck, Norman <nbeck@charlottetown.ca>, Ramsay, Kevin <kramsay@charlottetown.ca>, Doiron, Bob <rdoiron@charlottetown.ca>, MacKinnon, Trevor <tmackinnon@charlottetown.ca>, Muttart, Justin <jmuttart@charlottetown.ca>, MacLean, Logan <Lmaclean@postmedia.com>

Good afternoon,

As of 2 pm this afternoon, I have yet to receive a response from the City Planning Dept or Dept of Environment regarding an approved permit for removal of asphalt and soil from the above property.

As well, removal of trees near the boardwalk have been removed without any containment, such as a fence. There is a photo of a cyclist on the boardwalk passing by where they were cutting, and according to someone they also saw people on the boardwalk during this time.

Are they also working within the buffer zone?

A prompt reply to these issues is requested.

Louise Aalders

On Fri, Aug 8, 2025 at 10:21 AM Ruus, Michael <mruus@charlottetown.ca> wrote:

Good Morning Louise,

Thank you for bringing this matter to our attention.

We understand your concerns regarding the recent activity on site, particularly the lack of protective fencing and the removal of asphalt and soil. Please be assured that the City is following up with the developer regarding compliance with active permits.

We appreciate your diligence in notifying the relevant departments, and we are working to ensure that all regulatory requirements are being met. We will provide you with an update as soon as we have more information.

Thank you again for your patience and for reaching out.

Mike

Michael Ruus, MPlan, RPP, MCIP, CNU-A

Director, Integrated Growth

City of Charlottetown

PO Box 98, [199 Queen Street](#)

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[Canada, C1A 7K2](#)

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Fax: 902-566-4701

mruus@charlottetown.ca

www.charlottetown.ca



From: Louise Alders <aalderslouise@gmail.com>

Sent: August 8, 2025 9:54 AM

To: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Jankov, Alanna <ajankov@charlottetown.ca>; MacConnell, Brad <bmacconnell@charlottetown.ca>; dethompson@gov.pe.ca; Gundrum, David <dgundrum@charlottetown.ca>; Ruus, Michael <mruus@charlottetown.ca>

Cc: McCabe, Julie L. <jlmccabe@charlottetown.ca>; Tweel, Mitchell <mtweel@charlottetown.ca>; McAleer, John <jmcaleer@charlottetown.ca>; Beck, Norman <nbeck@charlottetown.ca>; Ramsay, Kevin <kramsay@charlottetown.ca>; Doiron, Bob <rdoiron@charlottetown.ca>; MacKinnon, Trevor <tmackinnon@charlottetown.ca>; Muttart, Justin <jmuttart@charlottetown.ca>

Subject: Site removal of asphalt 15 Haviland St

Some people who received this message don't often get email from aalderslouise@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Yesterday, APM was on site pulverizing the back parking area with no fencing to protect people and avoid possible property damage and today there have been three trucks removing that asphalt and soil offsite.

Earlier this morning, I contacted the Planning Dept, notified the Dept of Environment and others concerning this issue.

I have yet to receive a response as to whether APM has the required permit from Environment to proceed.

Please follow up regarding this matter and a response would be appreciated.

Thank you

Louise Alders

From: **Gundrum, David** <dgundrum@charlottetown.ca>

Date: Thu, Jul 24, 2025 at 2:59 PM

Subject: RE: PID 1100635

To: Jankov, Alanna <ajankov@charlottetown.ca>, Louise Aalders <aalderslouise@gmail.com>

Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>, Muttart, Justin <jmuttart@charlottetown.ca>, Beck, Norman <nbeck@charlottetown.ca>, Tweel, Mitchell <mtweel@charlottetown.ca>, Ramsay, Kevin <kramsay@charlottetown.ca>, Doiron, Bob <rdoiron@charlottetown.ca>, McAleer, John <jmcaleer@charlottetown.ca>, MacKinnon, Trevor <tmackinnon@charlottetown.ca>, McCabe, Julie L. <jlmccabe@charlottetown.ca>, Bernard, Terry <tbernard@charlottetown.ca>, Ruus, Michael <mruius@charlottetown.ca>, MacConnell, Brad <bmacconnell@charlottetown.ca>

Hi Louise,

Thank you for your message regarding the proposed development by Mr. Banks and APM for the site on Haviland Street (PID# 1100635) as highlighted in the air photo at the end of this reply.

I can reinforce that as per today's date, the City has issued a Permit for site mobilization work-only on the property as per the attached site plan that APM provided which is inclusive only of installation of construction fencing around the perimeter of the site and locating a construction trailer on the property as per the attached.

We anticipate to receive (but have not yet received) a formal application for Building Permit from APM in the next number of days for a Phase 1 foundation-only Permit with respect to the project. Again, this formal submission has not been received by the City nor any preliminary materials ahead of formal submission either.

City Planning staff have been in touch with Provincial staff from the Department of Environment with regard to concerns around potential historic site contamination and to pre-empt a wider conversation with Provincial staff about these concerns ahead of formal Permits for actual construction being received. City staff have a call with Dept. of Environment staff at the Province scheduled for next week at this point to determine any next steps with respect to Provincial regulations that may apply as it regards potential for historic site contamination from past activities.

In preliminary discussions with the Province ahead of our formal call next week, we understand that the Province does not have any formal documentation in their archive to confirm that the site is indeed contaminated however we will be conducting a call to determine in the absence of any such documentation what Provincial regulations may still trigger here and any requirements that the Province could or may levy upon the Developers for future site investigative work as it pertains to potential environmental concerns. We will know more on this by this time next week after that call is had with Provincial staff. I will say that the Province does have legal authority to request that conditions be levied on any future Permit for construction that pertains to their regulations and/or they can request that certain work be carried out under their regulations prior to a Permit being issued by the local municipality.

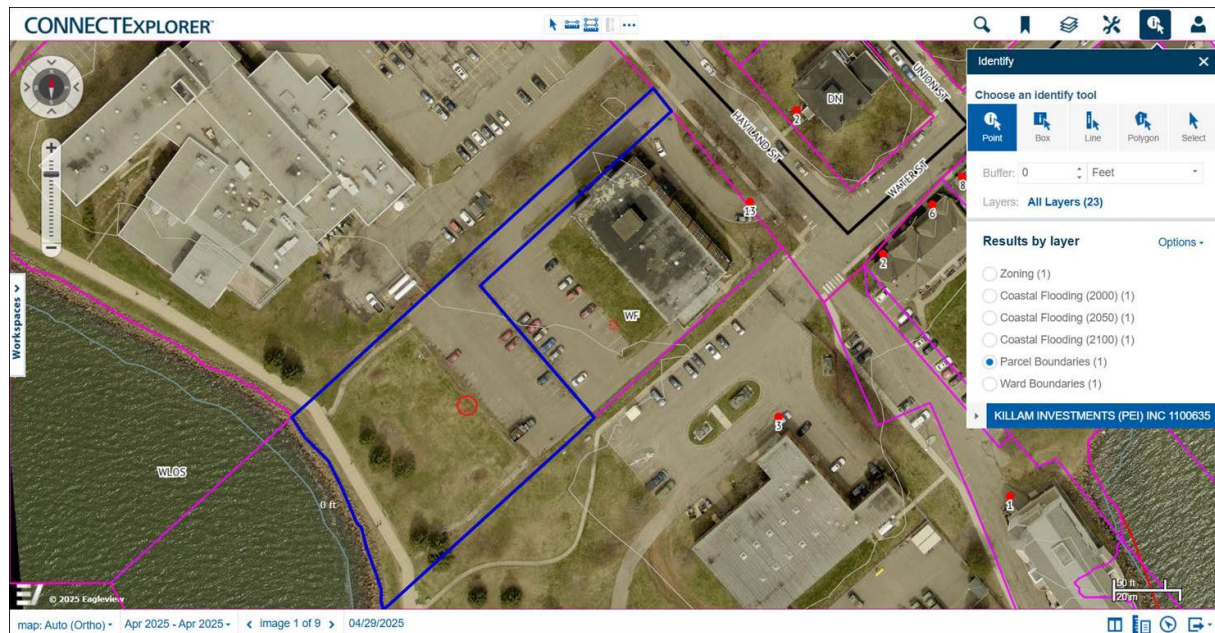
The Development Agreement you are referring to Louise pertained to a previous concept for a taller 8-storey building that would have 99 units on the site.

The current concept proposed to be built is a 7-storey building having 49 units for which a new and separate Development Agreement was entered into between the City and the Developer earlier this year. As such, the previous 2020 Agreement does not apply in this particular case based on the new and updated development proposal.

The requirement for step-back referred to for buildings within the Waterfront (WF) Zone that applies to this property has language that mentions this in regard to height greater than 13 metres (42.6 feet) above the "streetwall" (see second attachment to this message) where "streetwall" is taken to mean the face of a building projecting directly and immediately towards a public road or street. Since the building will be set some distance away from the public road in this case and does not abut directly onto a City street or public right-of-way, there is no streetwall or immediate projection of the building towards a street and therefore this requirement for step-back does not trigger in this case notwithstanding the proposed height of the building.

I hope this helps clarify things further Louise and we will have a better understanding of the environmental aspect once we have had meeting with Provincial officials next week.

David



David Gundrum, RPP, MCIP
Manager of Development Planning

City of Charlottetown

Planning & Heritage Department
70 Kent Street
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From: Jankov, Alanna <ajankov@charlottetown.ca>
Sent: Monday, July 21, 2025 2:44 PM
To: Louise Aalders <aalderslouise@gmail.com>; Gundrum, David <dgundrum@charlottetown.ca>
Cc: Mayor of Charlottetown (Philip Brown) <mayor@charlottetown.ca>; Muttart, Justin <jmuttart@charlottetown.ca>; Beck, Norman <nbeck@charlottetown.ca>; Tweel, Mitchell <mtweel@charlottetown.ca>; Ramsay, Kevin <kramsay@charlottetown.ca>; Doiron, Bob <rdoiron@charlottetown.ca>; McAleer, John <jmcaleer@charlottetown.ca>; MacKinnon, Trevor <tmackinnon@charlottetown.ca>; McCabe, Julie L. <jlmccabe@charlottetown.ca>; Bernard, Terry <tbernard@charlottetown.ca>; Ruus, Michael <mrus@charlottetown.ca>; MacConnell, Brad <bmacconnell@charlottetown.ca>
Subject: Re: PID 1100635

Good afternoon Louise.

Thank you for your email. I appreciate your questions and concerns. I will defer this to city of Charlottetown staff as council was not part of any decisions on this file - to date.

I also look forward to the answers.

Alanna
Alanna Jankov - Deputy Mayor
City Councillor - Ward one

Epekwitk/Charlottetown PEI
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Pronouns: She/Her
www.alannajankov.ca

I live, work, and play on Mi'kma'ki, the traditional territory of the Mi'kmaq people, original stewards of this land.

I recognize that the hours I choose to work may not align with your own. Please do not feel obligated to respond to this email outside of your work hours

The content of this email is confidential and intended for the recipients specified in the message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender.

On Jul 21, 2025, at 2:34 PM, Louise Aalders <aalderslouiise@gmail.com> wrote:

Some people who received this message don't often get email from aalderslouiise@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am writing to you today, as a concerned citizen of Charlottetown and on behalf of the residents of Renaissance Place at 13 Haviland St.

On Friday, July 18/25, there was a development permit (214-BLD-25) approved on July 15/25 posted by Pan American Properties on the site of PID 1100635 for site mobilization and construction hoarding, possibly starting on July 28/25, as was told to one of the residents here.

The unknown material that was used for infill to extend the shoreline was brought in sometime after 1952. One of the conditions of the permit states “ All drainage and flow of water is directed to either the natural watercourse or to Haviland St.” Because of the unknown material, we expect there to be an environmental assessment completed before any site work, as to avoid any possible hazards TO neighbouring citizens, property or aquatic life.

Also, because of this flag shaped lot, why hasn't there been a letter for the variance or even a site specific amendment required?

In the development agreement dated January 6,2020 between the City of Charlottetown and Killam Investments, it states “2.11 Above a height of 42.6 ft, the building shall have a step back no less than 17.61 ft (10% of the lot width).”

This project exceeds the height for step backs at 21+ meters. Where is the amendment for this? Has there been a change in the bylaw since 2020?

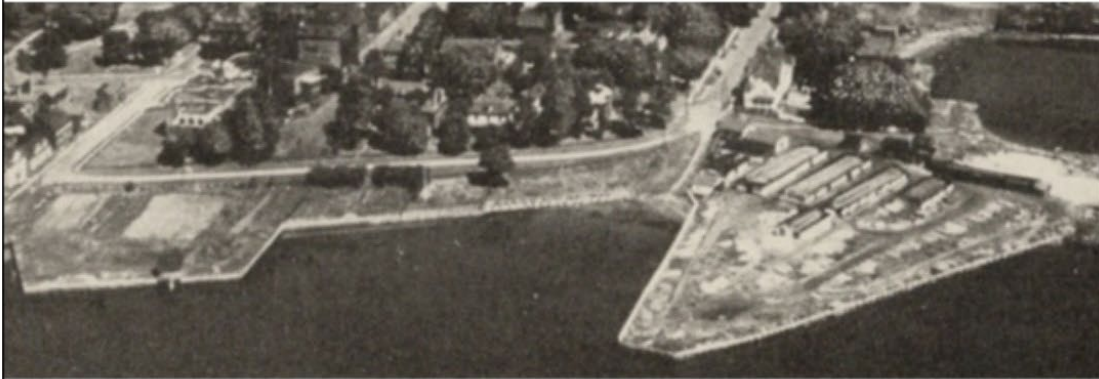
Your attention to these issues is of utmost importance and we expect a timely response.

Thank you

Louise Aalders for

Residents of Renaissance Place

1952



Water Street curves into Dundas Esplanade and there is an extension to the shore. The Connolly Wharves seen in the 1917 maps have been filled in (barrack buildings on the site?)

~1968



New Nurse's Residence for the Catholic Hospital is in left foreground with rest of hospital buildings behind. Sacred Heart Home has been built (centre) and Armoury building is in place. Dundas Esplanade is gone. The waterfront between the Nurse's Residence and old wharves has been filled in.

-

From: **Gundrum, David** <dgundrum@charlottetown.ca>

Date: Thu, Jul 24, 2025 at 2:15 PM

Subject: RE: Easement for boardwalk

To: Louise Aalders <aalderslouise@gmail.com>

Hi Louise,

I am still awaiting confirmation from legal on whether or not an Agreement and/or other legal protections do exist for the boardwalk.

We understand that the applicants do intend to ensure that the boardwalk will be re-instated for public access following completion of the project.

On the mobilization plan we received, they are showing a temporary alternate route for pedestrians that will remain in place while any work is going on as highlighted in yellow on the attached.

Lacking any other legal mechanisms through easement or Agreement, the City can condition any future Permits with respect to integrity of the boardwalk as well for when the project is completed if it gets to that point.

I hope to have further word back from our lawyers very soon on any past Agreements and/or easements.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

Planning & Heritage Department

70 Kent Street

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www.charlottetown.ca



From: Louise Aalders <aalderslouise@gmail.com>

Sent: Wednesday, July 23, 2025 1:17 PM

To: Gundrum, David <dgundrum@charlottetown.ca>

Subject: Re: Easement for boardwalk

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is safe.

David,

This is an issue that may present itself soon, and the residents here and others that enjoy the boardwalk would like to know where it stands.

We expect a response soon.

Thank you

Louise Aalders

On Mon, Jul 14, 2025 at 2:59 PM Gundrum, David
<dgundrum@charlottetown.ca> wrote:

Hi Louise, I haven't heard confirmation back from our legal on this but will nudge them for a response.

Please expect further reply from us hopefully in the next couple of weeks.

David Gundrum, RPP, MCIP

Manager of Development Planning

City of Charlottetown

Planning & Heritage Department

[70 Kent Street](#)

[Charlottetown, Prince Edward Island](#)

[Canada, C1A 1M9](#)

Cell: 902-393-5467

dgundrum@charlottetown.ca

www.charlottetown.ca

<image001.png>

From: Louise Aalders <aalderslouise@gmail.com>

Sent: Friday, July 11, 2025 4:20 PM

To: Gundrum, David <dgundrum@charlottetown.ca>

Subject: Easement for boardwalk

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

The tenants of Renaissance Place want to follow up on the boardwalk issue that was brought up at our meeting in May that you attended. Were you able to find out any information on this?

There was an agreement with CADC back in 1992 which was then transferred to the city in 1995. This agreement doesn't appear to be included in the deed for PID # 1100635.

Can you confirm that this is accurate?

Thank you

Louise Aalders for

Tenants of Renaissance Place

PHOTOS for EMAILS – 15 HAVILAND ST

August 7/25 - dozer pulverizing pavement

August 8/25 - trucks removing soil off site

August 8/25 - trees cut down









August 11/25 - dozer in buffer zone?

August 14/25 - 2-3 ft depth in some areas of dug soil







