



**Docket: LA21001**

**IN THE MATTER** of an appeal by Don Read, of a decision of the City of Charlottetown, dated December 14, 2020, with respect to the approval to amend the City of Charlottetown Zoning & Development Bylaw (PH-ZD.2-034) as it pertains to PIDS 390534, 390559 and 390542 located on Mount Edward Road, Charlottetown, Prince Edward Island.

**CERTIFIED A TRUE COPY**

  
Phil Rafuse,  
Appeals Administrator  
Island Regulatory & Appeals Commission

**BEFORE THE COMMISSION ON** Tuesday, May 25, 2021.

J. Scott MacKenzie, Q.C., Chair

M. Douglas Clow, Vice-Chair

Erin T. Mitchell, Commissioner

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**DIRECTION REGARDING PROCEDURE**

**WHEREAS** the Island Regulatory and Appeals Commission ("Commission") has fixed the hearing date for this appeal for Monday, May 31, 2021 commencing at 9:30 a.m.;

**AND WHEREAS** the Commission is vested with the authority over matters of procedure;

**AND WHEREAS** parties may file motions with the Commission in accordance with Rule 61;

**AND WHEREAS** the respondent, City of Charlottetown ("City"), has filed a motion and supporting documents with the Commission (the "City Motion");

**AND WHEREAS** the appellant, Don Read ("Appellant"), and the developer, APM Commercial / Pan American Properties Ltd. ("Developer"), are entitled to respond to the City Motion in writing in accordance with Rule 61(3);

**AND WHEREAS** the Appellant has filed a motion and supporting documents with the Commission (the "Appellant Motion");

**AND WHEREAS** the City and the Developer are entitled to respond to the Appellant Motion in writing in accordance with Rule 61(3);

**AND WHEREAS** the Appellant has indicated to staff of the Commission that he will be supported by a person at the hearing.

**THE COMMISSION ISSUES THE FOLLOWING PROCEDURAL DIRECTION** to ensure the hearing of this appeal proceeds in an orderly and timely manner that is fair to all parties:

1. The hearing of the appeal will proceed on Monday, May 31, 2021 commencing at 9:30 a.m. All parties must be prepared to address all motions and the merits of the appeal on this date.
2. The Panel requires all parties, their legal counsel, and any agents or support persons be present in the hearing room for the hearing.
3. After the opening remarks of the panel, the panel will: hear brief oral submissions from the City in support of the City Motion; hear brief oral submissions from the Appellant in response to the City Motion; hear brief oral submissions from the Developer (if present) in response to the City Motion; and hear any proper reply from the City in relation to the City Motion. A decision on the City Motion will be reserved by the panel with reasons to follow.
4. The panel will then: hear brief oral submissions from the Appellant in support of the Appellant Motion; hear brief oral submissions from the City in response to the Appellant Motion; hear brief oral submissions from the Developer (if present) in response to the Appellant Motion; and hear any proper reply from the Appellant in relation to the Appellant Motion. A

decision on the Appellant Motion will be reserved by the panel with reasons to follow.

5. Given that written submissions in support of all motions are filed with the Commission before the hearing in accordance with the Rules, all parties are strongly encouraged to be brief when making oral submissions about the motions at the hearing.
6. The panel will then proceed with the hearing of the appeal on the merits. All parties are encouraged to review Rule 44 before the hearing. A decision on the appeal will be reserved by the panel with reasons to follow.
7. For the benefit of the Appellant, the panel observes that he is the only appellant named in this matter. An agent or support person is not an appellant.
8. This direction may be adjusted or supplemented by the chairperson of the panel to ensure that the hearing proceeds in an orderly, timely, and fair manner.

**DATED** at Charlottetown, Prince Edward Island, this 25<sup>th</sup> day of May, 2021.

**BY THE COMMISSION:**

*(sgd) J. Scott MacKenzie*

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J. Scott MacKenzie, Q.C., Chair

*(sgd) M. Douglas Clow*

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M. Douglas Clow, Vice-Chair

*(sgd) Erin T. Mitchell*

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Erin T. Mitchell, Commissioner