

Our File: 182762
February 15, 2024

Via email: chris@zzap.ca

Chris Markides
ZZap Consulting Inc.
1 Canal Street
Dartmouth, Nova Scotia
B2Y 2W1

Dear Mr. Markides:

Re: Parry Aftab & Allan McCullough v. Minister of Agriculture & Land – LA22002

I write to confirm our instructions to retain you to provide a written expert opinion on behalf of Parry Aftab and Allan McCullough, the Appellants, concerning planning issues involved in the above planning appeal matter, namely whether the Minister's Decision in this matter complied with sound planning principles. We understand that you will be charging an hourly rate of \$200.00 per hour + HST for your work on this file.

The Appellants are the owners of two lots in Point Prim, Prince Edward Island, identified as PIDs 877639 and 877647. This matter relates solely to PID # 877647 (the "Property").

By Development Permit Application dated June 29, 2017, the Appellants submitted their original application for a Development Permit on the Property for a residential summer cottage development (the "Development") in accordance with the specifications, sketch, and materials filed with the application.

A number of intervening events ensued and ultimately, the Department issued a decision to deny the Application on December 14, 2021 (the "Decision").

The Development in question was rejected on the basis of "detrimental impact" as defined by paragraph 3(2)(d) of the P.E.I. *Planning Act's Subdivision and Development Regulations*. We are seeking an opinion assessing the Decision from a planning perspective, including whether the Development in question does in fact comply with sound planning principles.

In the interest of consistency, we ask that you refer to the Notice of Appeal and documents listed in the Record of Decision, which have been uploaded to the Island Regulatory and Appeals Commission ("IRAC") [website](#), to assist you in your preparation of this opinion. If you need further documentation, please let us know and we will endeavour to provide it to you.

Once you have completed your review and opinion, we will need to obtain a signed, written report from you containing your opinion before our filing deadline (currently early May, 2024).

You may also be required to testify at the hearing of this matter. Our IRAC hearing date is currently scheduled for May 24, 2024. We anticipate only one day would be required for your testimony, but please advise if you have any significant commitments during this May months that would affect your ability to attend the hearing virtually.

Under Rule 58 of IRAC's Rules of Hearing Practice and Procedure please be advised that your report must contain the following representations:

1. Expert reports shall include or be accompanied by supplementary material that includes the following:
 - (a) the expert's acknowledgement that the duty of the expert is to advise the Commission impartially on matters within the expert's area of expertise, and that duty overrides any duty to the party that has called this expert;
 - (b) the expert's curriculum vitae including his or her training, education, and experience that qualifies him or her to produce the report;
 - (c) an account of the nature of the request or direction received from the party to prepare the report;
 - (d) the facts and assumptions on which the report's conclusions are based;
 - (e) disclosure of any matters that fall outside the expert's area of expertise; and
 - (f) identification of any literature or other materials specifically relied upon in support of the opinions.

Further, although PEI's Rules of Civil Procedure do not strictly apply to this matter, we ask that the substantive content of your opinion also comply with the requirements set out in Rule 4.1, as follows:

Duty of Expert

4.1.01

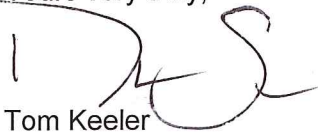
- (1) It is the duty of every expert engaged by or on behalf of a party to provide evidence in relation to a proceeding under these rules,
 - (a) to provide opinion evidence that is fair, objective and nonpartisan;
 - (b) to provide opinion evidence that is related only to matters that are within the expert's area of expertise; and
 - (c) to provide such additional assistance as the court may reasonably require to determine a matter in issue.

Duty Prevails

- (2) The duty in subrule (1) prevails over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

Please do not hesitate to contact me if you have any questions with respect to the foregoing. Otherwise, I look forward to your confirmation that the above terms are satisfactory and look forward to working with you respecting this matter.

Yours very truly,


For: Tom Keeler