



May 8, 2024

VIA EMAIL

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Re: Ruling – Matter LA22002 Parry Aftab and Allan McCullough v. Minister of Housing, Land and Communities – Application for Friend of the Commission Intervener Status

The following is a ruling by the Island Regulatory and Appeals Commission (the "Commission") on an application for Friend of the Commission Intervener (the "Application") status filed by Brian Gillis and Elaine MacKenzie (the "Applicants") on April 15, 2024.

Background

The Appellants filed an appeal of the Minister's denial of an Amended Development Permit application for PID 877647. The Commission will be hearing this matter on May 22 and 23, 2024.

The Applicants, Brian Gillis and Elaine MacKenzie, filed an application for Friend of the Commission Intervener status on April 15, 2024. The Applicants are the owners of the properties adjacent to PID 877647. In accordance with the Commission's *Rules of Practice & Procedure* ("Rules"), a copy of the Application was provided to both the Appellants and Respondent, for reply.

The Appellants filed a submission objecting to the Application and requested that the Application be denied on the grounds that it does not meet the factors outlined in the Commission's Rule 20(2), and would add to the cost and complexity of the proceeding.

The Respondent filed a reply submission advising it does not take a position on the Application.

Ruling

The Applicants have a long history of engagement with the subject matter of the proceeding. In the Commission's view, permitting the Applicants limited involvement will not add to the cost of complexity of the proceeding. Having considered the Application and reply submissions of the Appellants and Respondent in accordance with Rules 14 to 20, the Commission has decided to grant limited intervener status to the Applicants as Friends of the Commission Interveners, subject to conditions on participation.

Participation shall be limited to written submissions of no more than five pages

The Applicants may file brief written submissions, not to exceed five pages, with the Commission within seven days of the conclusion of the hearing. These written submissions shall be limited to addressing the submissions and evidence tendered by the parties, and the Record filed with the Commission.

Reply by parties

The Appellant and Respondent may, within three business days of receipt of the written submissions, file a reply with the Commission, not to exceed three pages.

No other participation by the Applicants

Mr. Gillis and Ms. MacKenzie shall not otherwise participate in the hearing; however, they are permitted to attend at the hearing in person. For clarity, they shall not be entitled to:

- file exhibits or tender evidence,
- testify or call witnesses,
- cross-examine witnesses, or
- speak, ask questions or make any comments or submissions during the hearing.

Written submission filing deadlines to be confirmed

The Commission will confirm the filing deadlines for written submissions with the parties upon the conclusion of the hearing, which is scheduled to commence on May 22, 2024 and conclude on May 23, 2024.

BY THE COMMISSION:



Kerri Carpenter, Panel Chair