

January 12, 2024

**VIA EMAIL**

The Island Regulatory & Appeals Commission  
Attention: Philip Rafuse  
National Bank Tower, Suite 501  
134 Kent Street  
Charlottetown, PEI  
C1A 7L1

**Attention: Philip Rafuse, Appeals Administrator**

Dear Mr. Rafuse:

**RE: Andrea Battison v City of Charlottetown  
Appeal LA23009**

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Please accept this correspondence as the City of Charlottetown's (the "City") submissions in reply to the submissions of the Appellant, Ms. Andrea Battison (the "Appellant"), dated January 5, 2024.

The City reiterates and relies on their submissions on the two issues identified by Ms. Jessica Gillis, in an email dated November 9, 2023, as set out in the City's correspondence dated December 13, 2023. The City wishes to add the following comments.

The Appellant argues throughout her submissions that the Developer, the Prince Edward Island Housing Corporation (the "Developer"), failed to submit an application for a Development Permit. According to the Appellant, the City has therefore failed to issue a Development Permit in violation of the process prescribed by the City's Zoning & Development Bylaw. Respectfully, this statement is incorrect. The Developer applied for a Demolition Permit which was processed pursuant to the provisions of the Zoning & Development Bylaw and was properly issued by the City. The issuance of a Development Permit is not a requirement for issuance of a Demolition Permit.

The Appellant further suggests that the Commission, as part of this appeal process, can and should find that the 500 Lot Area in Charlottetown is a Heritage Preservation Area and as a result, the appeal is not moot and issuance of the Demolition Permit should be overturned. The City relies on their submissions on the 500 Lot Area from our November 3, 2023 correspondence to the Commission; including that the Commission is not the appropriate forum to make submissions seeking change to the law. At present, the City does not have any area designated as a Heritage Preservation Area under

**Melanie McKenna | Associate**

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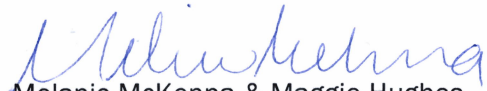
Dominion Building, 97 Queen St, Suite 600, Charlottetown, PE C1A 4A9

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the Heritage Preservation Bylaw, including the 500 Lot Area. The Commission does not have jurisdiction to designate the area in question as such. Respectfully, the City submits that the Appellant's submissions on the 500 Lot Area as a Heritage Preservation Area are not relevant to the question of whether the appeal is moot due to the expiry of the Demolition Permit and is not within the scope of the Commission's authority to order.

We trust the foregoing to be of assistance and look forward to the Commission's direction in this matter.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Melanie McKenna & Maggie Hughes', written in a cursive style.

Melanie McKenna & Maggie Hughes  
MM/MH