



November 10, 2023

**Via Email:** Andrea Battison ([andrea@crustipath.com](mailto:andrea@crustipath.com))  
Appellant

Melanie McKenna ([mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com))  
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Counsel for the Developer PEI Housing Corp.

Dear Parties:

**Re: Andrea Battison v. City of Charlottetown  
Docket No. LA23009**

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I am writing in follow-up to confirm direction to the parties regarding the postponement of the hearing of this matter.

On November 7, 2023, the Developer PEI Housing Corp. provided submissions to the Commission raising an issue of jurisdiction. The Developer requested that the question of jurisdiction be heard, through written submissions, and determined prior to the hearing on the merits of the appeal.

The Commission has considered the Developer's request of November 7, 2023, and the positions of the Appellant and Respondent City provided in response.

I am writing to advise that the Commission has decided this jurisdictional issue will be determined prior to a hearing on the merits of the appeal. As a result, the **hearing scheduled for Tuesday, November 14, 2023, is POSTPONED.**

The Commission directs further written submissions from the parties addressing the following questions:

1. Do demolition permits meet the definition of "development permit" under the *Planning Act* such that they can be appealed to the Commission per subsection 28(1.1) of that Act?
2. Is the appeal moot due to the expiry of the Demolition Permit?

We propose the following timelines for submissions:

- The Developer, PEI Housing Corp., will have the opportunity to provide supplemental, full submissions on the questions posed by **November 29, 2023**;
- The Respondent, City of Charlottetown, is to provide their submissions on the questions and in response to those of the Developer by **December 13, 2023**;
- The Appellant, Ms. Battison, is to provide her submissions on the questions and in response to those of the Developer and City, by **January 5, 2024**; and
- The City and Developer will have an opportunity to provide any reply submissions, if required, by **January 12, 2024**.

The Commission will then consider the positions and arguments of the parties.

At this time, it is the intention of the Commission that a public hearing on these matters will not be held and the Commission will issue a decision in writing per Rule 41 of the Commission's Rules of Practice and Procedure. If the Commission determines otherwise after receiving the submissions of the parties, you will be advised accordingly.

Yours truly,



Jessica Gillis  
General Counsel

CC: Maggie Hughes ([Maggie.Hughes@coxandpalmer.com](mailto:Maggie.Hughes@coxandpalmer.com))  
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