



April 25, 2023

**VIA EMAIL**

**RE: Appeal #LA23010 – Randy Pitre v. City of Summerside**

The Prince Edward Island Regulatory and Appeals Commission (the Commission) received a Notice of Appeal with accompanying materials on April 24, 2023, which appeals an April 4, 2023, decision of the City of Summerside. Attached is a scanned PDF copy of this Notice of Appeal for the City of Summerside and the Developer, Strategic Enterprises / Nathan Kember.

Information for the Appellant

On a review of your Notice of Appeal, it seems the grounds of appeal and relief sought relate solely to the Developer's compliance with the *Companies Act* and *Business Corporations Act*. In particular, the Notice of Appeal and supporting material raises issues with the registered business address of the Developer. The Notice of Appeal and supporting material does not disclose any grounds based in planning principles, or the City's Official Plan and/or Bylaw.

The Commission is a statutory tribunal without any inherent jurisdiction. The Commission is not vested with any authority to determine questions of corporate compliance and, therefore, the grounds raised in the Notice of Appeal appear to be outside the statutory jurisdiction of the Commission.

We invite your submissions on this point on or before May 3, 2023. All parties involved will receive copies of these submissions.

Information for the Respondent

The City of Summerside may raise issues and provide reply submissions regarding jurisdiction or preliminary matters on or before May 17, 2023. All parties involved will receive copies of these submissions.

Please note that, at this time, we are not requesting a copy of the City's record with respect to this matter. However, we request that you preserve all file information regarding this matter in the event a record is requested in the future.

Information for the Developer

You may raise issues and provide reply submissions regarding jurisdiction or preliminary matters on or before May 17, 2023. All parties involved will receive copies of these submissions.

Any construction or expenses incurred in respect of this matter after this date will be at the peril of the developer/owner.

**IMPORTANT NOTE: Any questions or concerns can be directed to Philip Rafuse by telephone at 902-892-3501 or email at [PJRafuse@irac.pe.ca](mailto:PJRafuse@irac.pe.ca).**



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Philip Rafuse, Appeals Administrator

Enclosure