

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)



TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of the City of Summerside (name of City, Town or Community) on the 15 day of May, 2023, wherein the Minister/Community Council made a decision to Please see the attached Schedule A and copy of the decision.

(attach a copy of the decision).

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, the grounds for this appeal are as follows: (use separate page(s) if necessary)
Please see the attached Schedule B.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, I/we seek the following relief: (use separate page(s) if necessary)
That the Island Regulatory and Appeals Commission revoke the decision of the City of Summerside City Council in respect of the Strategic Holdings Inc. application to amend the Zoning Bylaws, and that an approval be entered on the application.

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): Strategic Holdings Inc. Signature(s) of Appellant(s): [Signature]
Please Print Solicitor for the Appellant

Mailing Address: 250 Water Street, Suite 401 City/Town: Summerside
Province: Prince Edward Island Postal Code: C1N 1B6
Email Address: adcampbell@coxandpalmer.com Telephone: 902-888-4566

Dated this 5 day of June, 2023
day month year

IMPORTANT

Under Section 28.(6) of the *Planning Act*, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the *Planning Act* and will be used by the Commission in processing this appeal. For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

SCHEDULE "A"

Decision being Appealed

On May 15th, 2023 the City of Summerside City Council denied the application of Strategic Holdings Inc. to amend the Zoning Bylaw for the following amendments (0081A and 0081B):

1. Changing the zoning from Low Density Residential (R1) zone to High Density Residential (R4) zone for a portion of PID No. 73536.
2. Changing the zoning map from Low Density Residential (R1) zone to High Density Residential (R4) zone for a portion of PID No. 72421.



May 18, 2023

Strategic Holdings Inc.
674 Water Street East, Suite 5
Summerside, PE C1N 4T8

Re: Zoning Amendments – 674 Water St East, PID #73536 and PID #72421

Please be advised that City Council at its meeting on May 15, 2023, denied your applications to amend the Zoning Bylaw for the following amendments (0081A and 0081B):

Proposed amendment to the Zoning Bylaw:

- Change the zoning map from Low Density Residential (R1) zone to High Density Residential (R4) zone for a portion of PID #73536.
- Change the zoning map from Low Density Residential (R1) zone to High Density Residential (R4) zone for a portion of PID #72421.

Please note that anyone who is dissatisfied with the decision to grant approval, may within 21 days of the approval date, appeal to the Island Regulatory & Appeals Commission. The City is not liable for any damage suffered by any person resulting from development undertaken during the appeal period or while a decision is under appeal.

If you have any questions, please contact the undersigned at 902-432-1270.

Yours truly,

Linda Stevenson
Development Officer

- c. Gordon MacFarlane, CAO
Aaron MacDonald, DTS

SCHEDULE "B"

Grounds of Appeal

1. The City of Summerside failed to exercise their decision-making discretion in a fair, reasonable and transparent manner.
2. The City of Summerside failed to provide reasons for their decision, contrary to the principles of natural justice and procedural fairness.
3. The City of Summerside failed to consider all relevant information in their decision.
4. The City of Summerside failed to apply sound planning principles by:
 - a. not properly considering the recommendations of the planning board; and
 - b. not complying with the principles and objectives of the City of Summerside Official Plan.
5. Such further and other grounds as may be apparent upon review of the record and the Commission may permit.