

File Reference: SM105.134

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November 20, 2023

Via Electronic Mail

Ms. Jessica Gillis
Island Regulatory and Appeals Commission
134 Kent Street, Suite 501
PO Box 577
Charlottetown, PE C1A 7L1

Dear Sir/Madam:

**Re: Docket LA23020
BP-2023-0600
(PID 943241)**

Please be advised that we act for Timothy R. Banks, owner of PID 943241 and holder of a building permit issued in respect of that property (the "Permit"), in relation to the appeal proceeding commenced by the Environmental Coalition of PEI challenging issuance of the Permit. We write further to your email correspondence dated November 16, 2023. Please include the undersigned on future correspondences in respect of this matter. For greater certainty, notwithstanding our client's indication Mr. Demeulenaere would be involved, that is not the case.

Mr. Banks opposes the appellant's request to hold this process in abeyance pending the outcome of the civil proceeding. To the extent the defendant in the civil case has concerns regarding that claim, there are mechanisms available to it under that process to advance those. The two proceedings are separate and it would be unreasonable to attach the timing of the appeal process to progress of the civil proceeding.

The Permit is presumptively valid and Mr. Banks is entitled to treat it as such. Any challenge to this validity must be diligently pursued to avoid a scenario in which our client takes actions, relying on the valid permit, which would later need to be undone should the appellant successfully challenge. In the event the Commission grants the appellant's request for its appeal to be held in abeyance, Mr. Banks reserves the right to assert that the appellant is estopped from reinvigorating its appeal once development by Mr. Banks has commenced.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Yours truly,

STEWART MCKELVEY



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