

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 18 day of September, 2023, wherein the Minister/Community Council made a decision to approve "2" Zoning amendments & Preliminary Approval for a Major Sub Division.

(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)

SEE ATTACHED SCHEDULE " A "

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 "2" Zoning Amendment Approved be Struck in their entirety & denied Identified as

PID # 73536 / 674 Water Street East & PID # 72421 / 678 Water Street East.

That the Preliminary Approval for the Major Subdivision @ 678 Water Street East PID # 72421 be struck in its entirety & Denied.

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

Name(s) of
Appellant(s): Randy Pitre

Please Print

Signature(s) of
Appellant(s): Randy Pitre

Mailing Address: 280 Keppoch Road

City/Town: Stratford, P.E.I.

Province: P.E.I.

Postal Code: C1B 2J6

Email Address: randypitre67@outlook.com

Telephone: (782) 377-6060

Dated this 6 **day of** October, 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"

THE GROUNDS OF APPEAL ARE AS FOLLOWS;

- That Strategic Holdings Inc had "Previously Applied" to the City of Summerside on the same Related matter, property and civic address and was "**Denied**" on **May 15, 2023** by the City of Summerside.
- Strategic Holdings Inc Appealed the decision to the Island regulatory and Appeals Decision thru his legal Counsel Andrew Campbell of Cox and Palmer in Summerside On **June 5th, 2023**.
- The **June 5th, 2023** Appeal By Strategic Holdings Inc is still listed on the IRAC Website as of **October 6th, 2023** as an Appeal "**PENDING**" waiting to be heard by the Island regulatory and Appeals Commission.
- Strategic Holdings Inc **is not permitted** to **Re-Apply** for a **One Year Period**. From the Date of the denial of its Application yet did so only months later.
- Strategic Holdings Inc and its legal Counsel Andrew Campbell **(Appeal still pending before Island Regulatory and Appeals Commission)** Re-Applied to the City of Summerside on the same related Matter and the same re-zoning on the same property and was Approved on September 18, 2023. The City of Summerside **is in Contravention** of the **One Year time rule to re-apply** of accepting a Application by Strategic Holdings Inc and His legal Counsel Andrew Campbell.
The City of Summerside only months later put the Public thru another Long Process of Totally unnecessary Public Meetings ect on the same Related matter to which the Public Previously spoke on the matter to have the Application denied.
- City of Summerside in having accepted a Subsequent Application From Strategic Holdings Inc, has and is attempting to "**Override**" and "**overrule**" **due and Proper Process** in place to **Contravene a previous Decision made** while there is also an **Appeal of June 5th** on the Same related matter still pending to be heard by the Commission.

- The Public Appeared at a Second Public Meeting to express their concerns and Questions as to why this Application was back before the City of Summerside when it was only denied months Previously and asked what has possibly changed? There was no definitive answers given by Council to any of the Public asking the Questions.
- 2 Public meeting were called for the Public to Appear and make comments and be informed. On the first Application that was denied, a Public meeting was called on **April 26th, 2023**. No one from Strategic Holdings Inc nor did any of its representatives appear to answer **many Questions the Public had** and Summerside Council **offered little to no information** to the Public about the Proposal with the Public leaving the public meeting with more questions than Answers.
- Both Public meetings did not have even the Basic of information for the Public to be able to make **informed decisions about the Developments** or the **Rezoning** in Question. Persons at the public meetings asked many questions and the Council had no answers to provide to anyone. Council **failed to retrieve and provide further answers** as promised at the Public meetings to Questions and the concerns public had asked prior to approving the matter to first, second ,and third readings and also Final Approval.
- City Councillor Carrie Adams "Correctly" voted against the Second Application on **September 18, 2023** of Strategic Holdings Inc. She sited **many various concerns** that both Council and the Planning Department **had failed to properly address** that were **not reviewed properly as would be required** placing serious safety concerns and risk for the Public.
- 3 City Councillors of Summerside despite having been provided information & knowledge that one of the Named Applicants **Strategic Enterprises Inc** was a false and non existent entity not registered with the Province and Nor permitted to do business within the Province Still voted to Approve the Application that was unlawful and Illegal.

Development Activity

Building Permits Issued

Reference Number	Issued Date	PID	Address		Appeal Deadline *	Description
2023-4-0112	18-May-23	311985	260	Summer St	28-May-23	Deck
2023-4-0127	16-May-23	311407	153	Summer St	26-May-23	Attached Garage with Secondary Suite
2023-5-0142	17-May-23	1119114	16	Clow Ct	27-May-23	Deck Extension
2023-5-0165	15-May-23	302356	497	North Market St	25-May-23	Demolition (Single Family Dwelling)
2023-5-0170	16-May-23	1501824	26	Gerene Dr	26-May-23	Demolition Fire Damaged Mobile Home

* Per Section 24 of the Provincial Building Codes Act:

Request for review of decision or order

(1) A person who is aggrieved by a decision of a building official under section 10 or an order issued by a building official under section 14 or subsection 16(2) may request a review of the decision or order by the Chief Building Official by submitting a request for review in the form approved by the Minister to the Chief Building Official within 10 days after receipt of the decision or order.

Development Permits (Official Plan/Zoning Amendments, Subdivisions, Site Plan, Variances, and Other)

Reference Number	Decision Date	PID	Address		Appeal Deadline	Description
2023-4-0124	03-May-23	313361	68	Water St	24-May-23	Site Plan Approval - Apartment Building
2023-5-0140	05-May-23	73379	618	Water St East	26-May-23	Site Plan Approval - Accessory Building
2023-5-0145	05-May-23	302216	510	Sheen St	26-May-23	Site Plan Approval - Accessory Building
SD-2023-02-0007	01-May-23	303859	86	Cedar St	22-May-23	Minor Subdivision - Final Approval
2023-3-0060	09-May-23	1139757	641	Wilmot Ln	30-May-23	Site Plan Approval - Townhouse
2023-3-0071	09-May-23	1139757	643	Wilmot Ln	30-May-23	Site Plan Approval - Townhouse
2023-3-0072	09-May-23	1139757	645	Wilmot Ln	30-May-23	Site Plan Approval - Townhouse
2023-3-0073	09-May-23	1139757	647	Wilmot Ln	30-May-23	Site Plan Approval - Townhouse
2023-5-0146	08-May-23	70698	82	North Dr	29-May-23	Sign Permit - Commercial
2023-5-0147	09-May-23	313270	96	Water St	30-May-23	Sign Permit - Commercial
2023-5-0150	09-May-23	892828	511	Granville St	30-May-23	Sign Permit - Commercial
2023-5-0151	12-May-23	307942	381	Poplar Av	2-Jun-23	Tourism Establishment - DENIED
2023-3-0053	18-May-23	312728	322	Granville St	8-Jun-23	Child Care Facility - Small
2023-4-0081	15-May-23	73536	674	Water St East	5-Jun-23	Zoning Amendment - DENIED
2023-4-0127	16-May-23	311407	153	Summer St	6-Jun-23	Site Plan Approval - Building Addition
2023-5-0155	18-May-23	315697	117	Kirk St	8-Jun-23	Tourism Establishment - vacation rental property
2023-5-0141	15-May-23	1156033	425	Tower St	5-Jun-23	Preliminary Site Plan Approval - Apartment building
sd-2023-05-0016	15-May-23	1148592	175	Putter's St	5-Jun-23	Minor Subdivision - Final Approval
2023-4-0099	18-May-23	304691	381	Notre Dame St	8-Jun-23	Child Care Facility - Medium

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Development Permits are appealable to the Island Regulatory & Appeals Commission (IRAC)

Do not move. Do not cover

More Information: 902-432-1262

Printed on: 5/23/2023

Page: 1 of 1

Development Activity

Building Permits Issued

Reference Number	Issued Date	PID		Address		Appeal Deadline *	Description
2023-7-0248	28-Sep-23	439596	398	South Dr		8-Oct-23	Addition
2023-9-0340	28-Sep-23	562603	106	Lefurgey Av		8-Oct-23	Exterior Renovation
2023-9-0346	28-Sep-23	70078	73	Spruce Dr		8-Oct-23	Demolition - Detached Garage

* Per Section 24 of the Provincial Building Codes Act:

Request for review of decision or order

(1) A person who is aggrieved by a decision of a building official under section 10 or an order issued by a building official under section 14 or subsection 16(2) may request a review of the decision or order by the Chief Building Official by submitting a request for review in the form approved by the Minister to the Chief Building Official within 10 days after receipt of the decision or order.

Development Permits (Official Plan/Zoning Amendments, Subdivisions, Site Plan, Variances, and Other)

Reference Number	Decision Date	PID		Address		Appeal Deadline	Description
2023-9-0320	13-Sep-23	317776	161	Ranchview Av		4-Oct-23	Conditional Use - Denied
SD-2022-11-0031	15-Sep-23	309690	281	Water St.		6-Oct-23	Minor Subdivision - Final Approval
SD-2022-11-0031	15-Sep-23	309690	281	Water St.		6-Oct-23	Minor Subdivision - Final Approval
SD-2023-08-0022	18-Sep-23	72421	678	Water St East		9-Oct-23	Major Subdivision - Preliminary Approval
2023-8-0256	18-Sep-23	73536	674	Water St East		9-Oct-23	Zoning Amendment
2023-8-0257	18-Sep-23	72421	678	Water St East		9-Oct-23	Zoning Amendment
2023-7-0244	18-Sep-23	302711	489	North Market St.		9-Oct-23	Discretionary Use - Apartment Building - 4 units
2023-8-0286	19-Sep-23	67538	93	East Dr		10-Oct-23	Site Plan Approval - Single Family Dwelling
2023-8-0306	19-Sep-23	313361	68	Water St		10-Oct-23	Site Plan Approval - Commercial Building
2023-8-0311	21-Sep-23	314336	31	Granville St		12-Oct-23	Conditional Use - Home-Based Business
2023-9-0331	22-Sep-23	1519073	732	Starling St		13-Oct-23	Site Plan Approval - Detached Garage
2023-8-0297	28-Sep-23	1145192	425	Granville St		19-Oct-23	Preliminary Site Plan Approval - health Centre
2023-9-0329	28-Sep-23	313833	91	Water St		19-Oct-23	Site Plan Approval - Drive Thru
2023-9-0325	28-Sep-23	319285	87	Ottawa St		19-Oct-23	Site Plan Approval - Child Care Facility (Addition)
SD-2023-09-0025	28-Sep-23	663211	455	Central St.		19-Oct-23	Minor Subdivision - Final Approval
2023-6-0216	28-Sep-23	70391	98	North Dr		19-Oct-23	Site Plan Approval - Detached Garage

Development Permits are appealable to the Island Regulatory & Appeals Commission (IRAC)

Do not move. Do not cover

Notice of Appeal

(Pursuant to Section 28 of the
Planning



RECEIVED: June 05, 2023

TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE CIA 71.1
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 Schdule 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 decison 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.
Please Print

Signature(s) of
Appellant(s):

Solicitor for the Appellant

Mailing Address: _____
Water Street, Suite 401 City/Town: _____

Summerside

250

Province: Prince Edward Island

Postal Code: CIN 186

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.

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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@rac.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 (RI) zone to High Density Residential (R4) zone for a portion of PID No. 73536.
2. Changing the zoning map from Low Density Residential (RI) 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 CIN 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 (0081 A and 0081 B):

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,

A handwritten signature in black ink, appearing to read "Linda Stevenson".

Linda Stevenson
Development Officer

C. Gordon MacFarlane, CAO
Aaron MacDonald, DTS

City of Summerside
275 Fitzroy Street
Summerside, PE C1N 1H9 CANADA

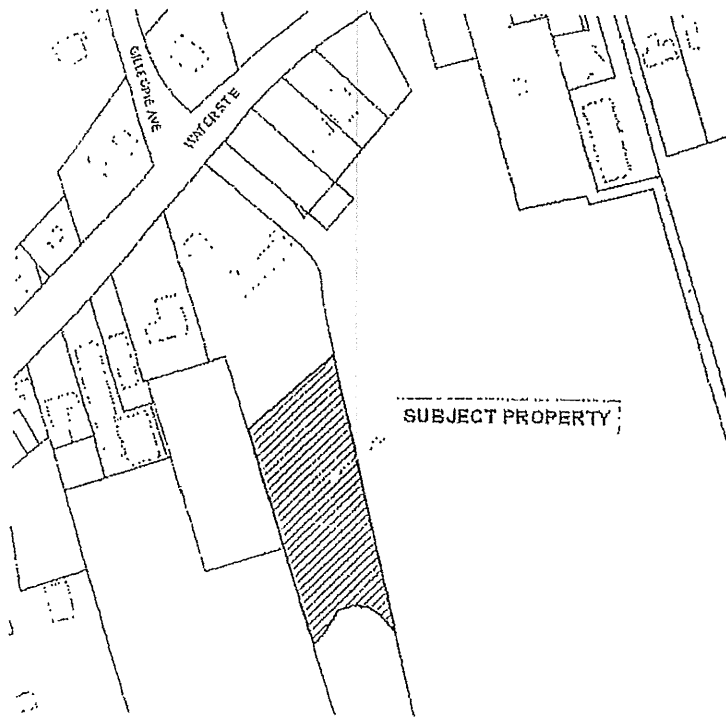
www.summerside.ca

tel 902 432 1262

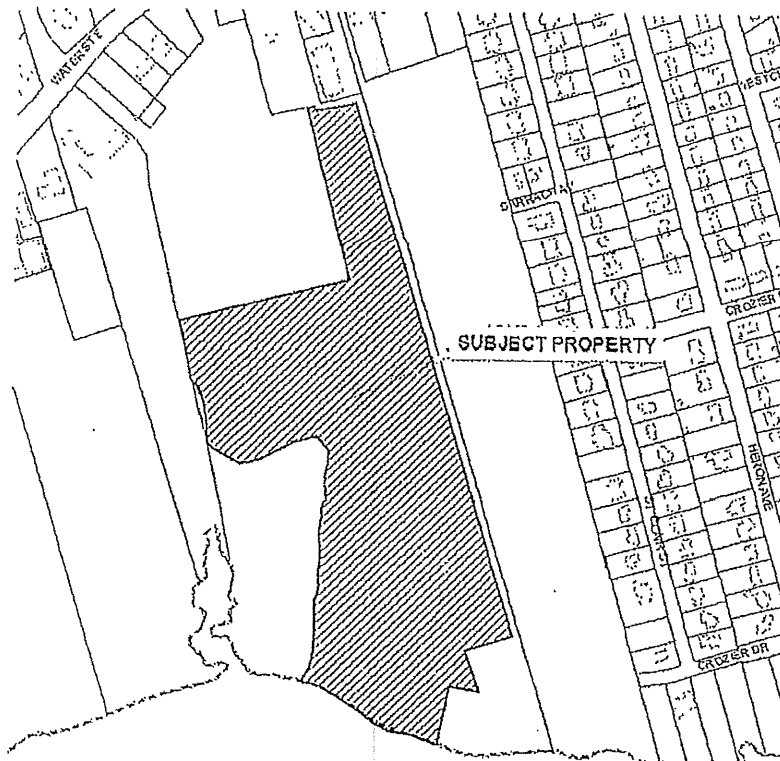
fax 902 436 3191

Small city. Big opportunity.

ZONING AMENDMENT 0081A
A BYLAW TO AMEND THE CITY OF SUMMERSIDE ZONING BYLAW



ZONING AMENDMENT 0081B
A BYLAW TO AMEND THE CITY OF SUMMERSIDE ZONING BYLAW



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.

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