

December 27, 2023

Island Regulatory and Appeals Commission  
Attention: Philip J. Rafuse, Appeals Administrator  
National Bank Tower, Suite 501  
134 Kent Street  
Charlottetown, PE C1A 7L1

Dear Mr. Rafuse,

Re: Appeal LA#23026 – Randy Pitre v. City of Summerside

We write on behalf of Strategic Holdings Inc. (the “Developer”) regarding two Notices of Appeal filed by Randy Pitre (the “Appellant”) on October 30<sup>th</sup>, 2023 (the “Appeals”).

#### Approval Process

Throughout the development process, the Developer has abided by the City of Summerside’s Bylaws including the Zoning Bylaw SS-15, CS-31 Building Bylaw and Regulations, and the Subdivision and Site Development Bylaw SS-19. The Developer has attended public meetings to address the concerns of community members. In addition to adhering to the Bylaws and attending meetings, the Developer has cooperated with the City of Summerside in their requests throughout the development process.

#### Building Permit

As stated by the Respondent in their comments on jurisdiction on November 15<sup>th</sup>, 2023, the Island Regulatory and Appeals Commission (the “Commission”) does not have statutory jurisdiction to hear and determine any appeal relating to a building permit issued by the City.<sup>1</sup> The Developer also respectfully submits that the Commission does not have jurisdiction to hear this appeal.

#### Relief Sought

The Appellant’s relief sought included an interlocutory order preventing the City from accepting any further or future applications from Nathan Kember or his companies and an investigation of the members of council for “misfeasance” and “malfeasance.” It is the Developer’s respectful submission that this relief is outside of the Commission’s jurisdiction for an appeal under the *Planning Act*.

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<sup>1</sup> *Clare Fagan v. City of Summerside*, Order No. LA22-02 at p. 13.

**J. Andrew D. Campbell** | Partner

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### ***Revisions to the Planning Act***

The *Planning Act* formerly stated in section 28.(1.1) that any person who is dissatisfied by a decision of the council of a municipality may appeal the decision to the Commission. Pursuant to the updated section 28.(1.1) of the *Planning Act*, an aggrieved person may appeal, by filing a notice of appeal with the Commission, a decision of a council of a municipality made in respect of an application under a bylaw, or to adopt an amendment to a bylaw. Section 27.1 of the Act defines “aggrieved person in respect of a decision of the Minister under subsection 28(1) or the council of a municipality under subsection 28(1.1)

- (a) the applicant;
- (b) the Minister;
- (c) a municipality affected by the decision;
- (d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual’s property or property occupied by the individual;
- (e) an incorporated organization, the objects of which include promoting or protecting
  - (i) the quality of life of persons residing in the neighbourhood affected by the decision,
  - (ii) the natural environment in the community affected by the decision, or
  - (iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision; or
- (f) an organization, the majority of whose members are individuals referred to in clause (d).”

The Appellant does not reside in the City of Summerside, nor does he own any property in the City of Summerside. The decision of council does not affect the Appellant in any manner. The legislation never intended that a dissatisfied person with no property or interest in Summerside would have any standing, especially where the appeal has no merit. In the Developer’s view, the Appellant does not meet the definition of an aggrieved person, nor does the decision of council or the Commission have any direct or indirect impact on the Appellant as a dissatisfied person. It is the respectful submission of the Developer that the Appellant does not have jurisdiction to continue these Appeals, as the Appellant is abusing the process.

### **Accusations of the Appellant**

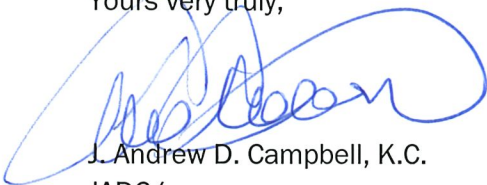
The Appellant has made frivolous and vexatious accusations against the Developer, including baseless assertions of identify theft and unlawful activity. The Developer had sold a property that was formerly his personal residence, that was the address of his holding company. The Developer did not

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immediately update their corporate records. The Developer's head office address has been updated in the corporate registry, and listed as 674 Water Street East, Summerside, PE (attached hereto as Exhibit "A"). The Appellants claims that the Developer has committed "insurance fraud" and has been "scamming people" are unfounded and do not relate in any way to the present Appeals. The Appellant's assertions of unlawful activity do not strengthen or support their position and are being made for the sole purpose of further defaming the Developer's name and reputation.

It is the submission of the Developer that the actions of the Appellant throughout these proceedings have been frivolous, vexatious, an abuse of process, and without due respect to the Commission, and the City of Summerside.

Yours very truly,



J. Andrew D. Campbell, K.C.

JADC/as

Enclosures.

cc. Randy Pitre, Appellant  
Iain McCarvill, Counsel for Respondent, City of Summerside  
Derek D. Key, K.C., Counsel for Respondent, City of Summerside



Exhibit "A"

# PEI Business / Corporate Registry

Please note: You may need to search two corporate registries until we fully transition to our new online registry system.

**If the business name you are searching does not appear below, please continue your search at PEI Corporate Registry – Original.**

<b>Business Type</b>	Incorporated
<b>Business Number</b>	705361319
<b>Entity Name</b>	STRATEGIC HOLDINGS INC.
<b>Entity Secondary Name</b>	
<b>Registration Date</b>	February 15, 2019
<b>Registration Number</b>	20323
<b>Status</b>	Active
<b>Corporation Type</b>	Non-distributing
<b>Last Return Date</b>	February 15, 2023
<b>Address</b>	674 WATER ST E Suite 5SUMMERSIDE Prince Edward Island C1N 4J1
<b>End Date</b>	
<b>Amalgamated Name</b>	
<b>Converted From</b>	
<b>Converted To</b>	
<b>Former Name(s)</b>	
<b>Nature of Business</b>	Construction
<b>Continued From</b>	
<b>Discontinued To</b>	
<b>Gazette Date</b>	
<b>Revival Date</b>	
<b>Directors and Shareholders</b>	Nathan Kember - Director, President, Shareholder
<b>Trade Names</b>	

**Published date:** December 18, 2020

Justice and  
Public Safety