



January 26, 2024

VIA EMAIL

Kristen Jondreville
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Appellant

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Nick McGregor
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Developer

RE: Appeal #LA24002 – Kristen Jondreville v. City of Charlottetown

The Prince Edward Island Regulatory and Appeals Commission (the Commission) received a Notice of Appeal on Friday, January 26, 2024, from Kristen Jondreville, appealing the decision of the City of Charlottetown to approve a rezoning request in respect of the property located at 68 Royalty Road (PID# 145714). A copy of the Notice of Appeal is attached.

Information for the Appellant:

On a review of your Notice of Appeal, it appears there may be a question about whether your appeal was filed within the within the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8.

Your Notice of Appeal was received January 26, 2024. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

The City of Charlottetown's "Planning & Heritage Summary (week ending January 5, 2024)" indicates that the decision appealed was made on January 3, 2024. It is not clear on what date public notice of the decision was posted.

The matter of whether the Notice of Appeal was filed within the prescribed timeline goes to the jurisdiction of the Commission, and as a statutory tribunal, the Commission does not have the jurisdiction to extend the time for filing an appeal under the *Planning Act*.

Therefore, as a preliminary matter on this appeal, the Commission requires your submissions with respect to the limitation period and whether this Notice of Appeal was filed within the prescribed statutory timeline. These submissions, along with any documents or information used to support your position, are required on or before **February 14, 2024**. All parties involved will receive copies of these submissions.

Information for the Respondent:

The City is requested to provide submissions in response regarding the preliminary matter on or before **February 28, 2024**. Please also provide any documents or information to support your position. 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 complete record with respect to this matter. However, we ask that you please preserve all file information regarding this matter in the event a complete record is required in the future.

Information for the Developer:

You may provide submissions in response regarding the preliminary matter on or before **February 28, 2024**. Along with your written submission, you may also submit documents or information to support your position. 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 Michelle Walsh-Doucette by telephone at 902-892-3501 or email at mwalshdoucette@irac.pe.ca.



for Michelle Walsh-Doucette
Commission Clerk

Email: mwalshdoucette@irac.pe.ca

Encl: Notice of Appeal, received January 26, 2024