

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.ircac.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 Charlottetown (name of City, Town or Community) on the 18th day of April, 2024, wherein the Minister/Community Council made a decision to interpret a reference to affordable units in a Development Concept Plan as requiring those units to be affordable housing as defined by the Charlottetown Zoning & Development Bylaws. (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)
The City, through its delegate, adopted an unreasonable interpretation of the Development Concept Plan;
The City, through its delegate, adopted an unreasonable interpretation of the Charlottetown Zoning & Development Bylaws;
Such further and other grounds as may be apparent upon review of the record and the Commission may permit.

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)
To quash the decision of the City's delegate; and
Such other relief as this Commission may permit.

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

Name(s) of Appellant(s): 1349856 Canada Inc.
Please Print

Signature(s) of Appellant(s): *Lawyer for Appellant*
LAWYER FOR APPELLANT

Mailing Address: 410 Mount Edward Road

City/Town: Charlottetown

Province: Prince Edward Island

Postal Code: C1E 2A1

Email Address: steven@jcjinc.com

Telephone: 9025662477

Dated this 9 day of May, 2024.
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@ircac.pe.ca.

April 18, 2024

Re: Approved Development for Lot 2014-6 (PID# 1076728)

Dear Mr. Jackson,

Regarding the approved development for Lot 2014-6 identified as PID# 1076728, as per Schedule "B" of the Development Agreement that was entered into with the City of Charlottetown on August 15, 2013 this development was to include a total of 28 affordable housing units.

The subsequent Addendum Agreement entered into on August 17, 2023 did not change this associated requirement for 28 affordable housing units and is therefore still in effect.

On this basis, a total of 28 affordable units must be provided for the development as per the definition of "Affordable Housing" that is contained in the Zoning and Development Bylaw. The portion of the building that was designated for affordable units is subject to Design Review which formed part of the Development Agreement.

The building design that is attached under Schedule "B" to the 2013 Development Agreement is the approved design as far as the working drawings are concerned. The Design Review process will need to be followed for the portion of the building that was to be affordable housing given the approved Development Concept Plan and Development Agreement that are currently in place.

If the affordable units are to be removed and/or the design of the building changed, then the existing approved Development Concept Plan must be amended to reflect the proposed changes.

Any proposed design changes to the building would have to be pursued under a Comprehensive Development Area (CDA) zoning amendment request. The CDA amendment would proceed through the process of a public meeting and associated planning meetings as referred to by Section 44.2.7 of the Zoning and Development Bylaw.

Sincerely,



David Gundrum, RPP, MCIP
Manager of Development Planning

