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**VIA EMAIL**

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**Re: LA24018 – Claude Dorgan, Roma Dorgan, Jessica Dorgan Trail, Stephen Trail,  
Brandon Perry and Michelle Ellsworth v. Town of Tignish  
Application by MECL for Added Party Intervener Status**

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The following is a ruling of the Island Regulatory and Appeals Commission on an application for Added Party Intervener status filed by Maritime Electric Company, Limited (“Maritime Electric”) on November 26, 2024.

**Background**

On November 4, 2024, the Appellants filed an appeal of the decision of the Town of Tignish to rezone a portion of PID 562777 from Agriculture and Forestry to Institutional and Public Service.

On November 26, 2024, the Commission received an application from Maritime Electric seeking to intervene as an Added Party Intervener (the “Application”), pursuant to Rules 14 to 16 of the Commission’s Rules of Practice and Procedure.

Via letter dated November 27, 2024, the Commission notified the Appellant, Respondent and Developer of the Application and requested submissions in response from them by December 19, 2024. Commission Staff followed up with the parties on January 21, 2025.

On or about February 20, 2025, the Appellant Claude Dorgan confirmed to the Commission in writing that he has no objection to Maritime Electric attending the hearing. The Commission did not receive any response from any of the other named Appellants.

On January 21, 2024, the Respondent Town confirmed in writing that they support Maritime Electric's request.

The Developer made no submissions.

### **Ruling**

Maritime Electric's Application is made pursuant to Rule 16 of the Commission's Rules of Practice and Procedure, and they seek to be an Added Party Intervener.

Rule 19 of the Commission's Rules of Practice and Procedure provides that upon reviewing an application for intervener status, the Commission may, in its sole discretion, grant or decline the application, with or without conditions. Rule 20.1 outlines the factors to be considered by the Panel in making this determination, with respect to an Added Party Intervener:

- (a) the nature of the applicant's interest in the proceeding, including whether the applicant has a distinct and substantial interest in the proceeding;
- (b) the nature and scope of the applicant's intended participation, including whether the applicant intends to participate actively in the proceeding;
- (c) the extent to which the proposed intervention will add to the costs and complexity of the proceeding; and
- (d) whether the proposed submissions will assist the Commission in resolving the issues raised in the proceeding.

Maritime Electric made the following submissions respecting these factors (paraphrased):

- Maritime Electric has a distinct and substantial interest in the proceeding. The purpose of the rezoning is to permit Maritime Electric to acquire the subject property for the future construction of a substation.
- Maritime Electric proposes to participate as a full party to the proceeding by, for example, leading evidence, challenging evidence led by other parties, and making submissions to assist the Commission in determining the questions in dispute.
- Maritime Electric's participation will not unduly prolong or complicate the appeal proceeding but will, instead, help to clarify and elucidate the legal and factual issues in dispute. Maritime Electric participated in all aspects of the municipal rezoning process, including by delivering presentations at the public meetings. Maritime Electric is therefore well-positioned to speak to the evidence and arguments that were led or advanced before the underlying decision-maker.
- Maritime Electric plans to assist the Commission by leading evidence as to the sound planning principles and proper procedures that informed and support the underlying decision.

On a review of Maritime Electric's Application, we are satisfied that Maritime Electric should be granted Added Party Intervener status without conditions, and they will be permitted to fully participate in the Appeal as a party.

**BY THE COMMISSION:**

[sgd. Douglas M. Clow]  
Douglas M. Clow, Acting Vice Chair

[sgd. Murray MacPherson]  
Murray MacPherson, Commissioner