

Docket LA25002

ISLAND REGULATORY AND APPEALS COMMISSION

BETWEEN:

Z&C FLOURISH INTERNATIONAL LTD.

APPELLANT

AND

THE CITY OF SUMMERSIDE

RESPONDENT

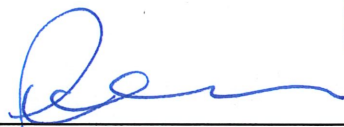
CONSENT ORDER

WHEREAS:

- A. On 30 November 2024, the Appellant applied to rezone portions of PID 1163526 (the “**Subject Property**”) from Single Family Residential (R1) zone to High Density Residential (R4) zone, and from Low Density Mixed Residential (R2) zone to High Density Residential (R4) zone for the purpose of allowing apartment building(s) in the proposed R4 zone (the “**Application**”);
- B. The Application sought to rezone three portions of the Subject Property: Two portions on the northern boundary of the Subject Property, designated respectively as proposed Zoning Bylaw Amendment 444N1 and proposed Zoning Bylaw Amendment 444N2, and one portion on the southern boundary of the Subject Property, designated as proposed Zoning Bylaw Amendment 444S;
- C. The City of Summerside provided public notice, held public meetings, and received comments and feedback from the public in accordance with section 5.10 of the *Zoning Bylaw* SS-15 (the “**Zoning Bylaw**”);
- D. The City’s Development Officer prepared a report to Planning Board dated 20 January 2025 which provided analysis with respect to the criteria outlined at section 5.7 of the *Zoning Bylaw*;

- E. The City's Development Officer and the Planning Board recommended approval of the entire Application owing to the Application meeting the criteria set out in the City's *Official Plan, Zoning Bylaw*, and sound planning principles;
 - F. The Council for the City of Summerside denied the Application during the Council meeting of 4 February 2025;
 - G. The Appellant filed a Notice of Appeal with the Island Regulatory and Appeals Commission (the "**Commission**") pursuant to subsection 28(1.1) of the *Planning Act*, RSPEI 1988, c P-8, dated 21 February 2025, in which the Appellant asked the Commission to approve the Application;
 - H. A mediation was held at the Commission offices on 16 September 2025 pursuant to subsection 11.1(1) of the *Island Regulatory and Appeals Commission Act*, RSPEI 1988, c I-11, at which the Appellant and Respondent agreed to the terms of a resolution, as evidenced below by the signature of their respective signing authorities, as follows:
 - a. The portion of the Subject Property delineated in the attached Schedule "A" and identified in City of Summerside Zoning Bylaw Amendment 444S will be rezoned from Low Density Mixed Residential (R2) to High Density Residential (R4) zone;
 - b. The Appellant will withdraw their appeal with respect to proposed Zoning Bylaw Amendment 444N1 and proposed Zoning Bylaw Amendment 444N2;
 - c. The parties will request that the terms of their agreement be incorporated into an Order of the Commission pursuant to subsection 11.1(2) of the *Island Regulatory and Appeals Commission Act*, RSPEI 1988, c I-1;
 - d. The Respondent will file a copy of this Order with the Minister responsible for the *Planning Act* and will implement this Order through amending its Zoning Map to reflect the Rezoning.
 - I. The Parties have requested the Commission to incorporate the terms of their agreement into an Order pursuant to subsection 11.1(2) of the *Island Regulatory and Appeals Commission Act*, RSPEI 1988, c I-11.
1. **THE COMMISSION ORDERS** that the portion of the Subject Property delineated in the attached Schedule "A" and identified in City of Summerside Zoning Bylaw Amendment 444S be and is hereby rezoned from Low Density Mixed Residential (R2) to High Density Residential (R4) zone (the "**Rezoning**").

2. **THE COMMISSION ORDERS** that the Appeal with respect to proposed Zoning Bylaw Amendment 444N1 and proposed Zoning Bylaw Amendment 444N2 are dismissed.



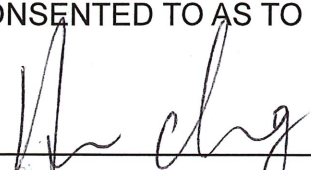
Chair



Commissioner

Commissioner

CONSENTED TO AS TO FORM AND CONTENT:

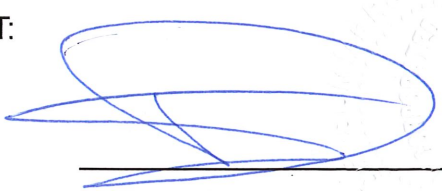

_____*
Z&C Flourish International Ltd.

* I have the authority to bind Z&C Flourish International Ltd.

CONSENTED TO AS TO FORM AND CONTENT:


_____*
City of Summerside

* We have the authority to bind the City of Summerside


_____*

SCHEDULE "A"

- I. The zoning for a portion of PID # 1163526 shown on Schedule B of the *City of Summerside Zoning Bylaw*, is designated as High Density Residential (R4) zone, hereby excluding it from its former designation of Low Density Mixed Residential (R2) zone.

