



July 2, 2025

VIA EMAIL

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Geoff Gibson and Deanna R. Kerry
Heritage Law
5 Prince Street
Charlottetown, PE C1A 4P4
Lawyer for the Appellant

prough@townofstratford.ca;
and jcroby@townofstratford.ca

Town of Stratford
234 Shakespeare Drive
Stratford PE
C1B 2V8
Respondent

RE: Appeal #LA25007 – R & D Builders & Developers Ltd. v. Town of Stratford

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from R & D Builders & Developers Ltd. against the June 13, 2025 decision of the [Town of Stratford](#) to rezone parcel number PID 289512 (approx. 11.34 acres), located at the end of Hollis Avenue from the Medium Density Residential (R2) Zone with a Sustainable Subdivision (SS) Overlay Zone to the Multiple Unit Residential (R3) Zone. A copy of the Notice of Appeal is attached. All parties involved will receive copies of submissions made by another party.

Information for the Appellant

The Commission has requested a copy of the file material from the Town of Stratford. A copy of the written material relevant to this appeal will be forwarded to you in a timely manner.

Information for the Respondent

Please forward a copy of all information in your file with respect to the above-noted decision to the Commission by Wednesday, July 30, 2025. This information will be added to the Commission's file and will be distributed to the Appellant. On the same date, please file a written response to the Notice of Appeal. The Town of Stratford may raise issues involving jurisdiction or preliminary matters in addition to a clear, but brief, response to the appeal.

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.

Michelle Walsh-Doucette
Commission Clerk

RECEIVED: June 26, 2025

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.irac.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 Stratford (name of City, Town or Community) on the 11th day of June, 2025, wherein the Minister/Community Council made a decision to deny the request from R&D Builders to rezone parcel number PID 289512, located at the end of Hollis Avenue from the Medium Density Residential (R2) Zone with a Sustainable Subdivision (SS) Overlay Zone to the Multiple Unit Residential (R3) Zone. (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)
See attached page.

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)
See attached page.

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

Name(s) of Appellant(s): R & D Builders & Developers Ltd. Signature(s) of Appellant(s): see attached page
Please Print

Mailing Address:	<u>Heritage Law, 5 Prince Street</u>	City/Town:	<u>Charlottetown</u>
Province:	<u>PE</u>	Postal Code:	<u>C1A 4P4</u>
Email Address:	<u>see attached page</u>	Telephone:	<u>see attached page</u>

Dated this 26 day of June, 2025
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@irac.pe.ca.

Notice of Appeal (Continued)

(Pursuant to Section 28 of the *Planning Act*)

Name of Appellant: R & D Builders & Developers Ltd.

Appellant's Lawyers: Geoff Gibson and Deanna R. Kerry

Heritage Law

5 Prince Street

Charlottetown, PE C1A 4P4

Contact: Geoff Gibson - ggibson@heritagelawpei.com – 902-330-7772

Deanna R. Kerry - dkerry@heritagelawpei.com – 902 330-1127

(continued from previous page) **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:

The Town of Stratford ("**Stratford**"), in its decision to deny the Appellant's re-zoning request, failed to

1. comply with the principles and objectives of the Stratford bylaws and official plan;
2. properly consider and apply sound planning principles;
3. properly consider all evidence presented;
4. provide sufficient reasons; and
5. articulate why the stated reasons for decision support said decision.

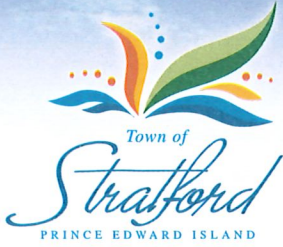
The Appellant will advise of any further grounds of appeal as may become apparent and as the Island Regulatory and Appeals Commission may permit.

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the *Planning Act*, we seek the following relief:

- a) The Commission should allow the appeal, quash the June 11, 2025 decision of the Stratford Council to deny the re-zoning of PID 289512, and order that the re-zoning be granted as requested; and
- b) Such further and other relief as the Appellant may advise and as the Island Regulatory and Appeals Commission may permit.

June 26/2025
Date


Geoff Gibson and Deanna R. Kerry
Lawyers for the Appellant, R & D Builders & Developers Ltd.



Imagine that!

June 13, 2025

R & D Builders
1016 Pownal Road, Route 26
Alexandra, PE
C1B 0P5

Dear Mr. Mitch Roggeveen:

Re: RZ001-24 – R & D Builders Rezoning Request – Medium Density Residential (R2) with a Sustainable Subdivision Overlay (SS) to Multiple Unit Residential (R3)

Please be advised that, during the regular Council meeting held on June 11, 2025, Council denied the request from R & D Builders to rezone parcel numbers PID 289512 (approx. 11.34 acres), located at the end of Hollis Avenue from the Medium Density Residential (R2) Zone with a Sustainable Subdivision (SS) Overlay Zone to the Multiple Unit Residential (R3) Zone for the reasons stated below:

1. This proposed rezoning would result in a spot zone with an R3 zone surrounded by R2 zones.
2. The proposed rezoning does not comply with the Official Plan designations (Section 3.2.2(b))
3. The future intended development would negatively impact the road safety and drastically increase traffic along Hollis Avenue (Section 3.2.2(i))
4. The future proposed density and development is not consistent with the original design for the 2014 Forest Trails subdivision and the character of the surrounding neighbourhood (Section 3.2.2(e))
5. Comments received from residents on the proposed rezoning, particularly those that were received from residents living within the area, expressed concerns with the future intended development (Section 3.2.2(f))
6. Part of the future intended development is incompatible with the surrounding environment feature (designated wetland) (Section 3.2.2(j))

Town of Stratford
234 Shakespeare Drive
Stratford PE
C1B 2V8

Section 3.2.2 of the Town's Zoning Bylaw outlines the general criteria that Council considers when reviewing applications of Zoning and Development Bylaw amendments.

t. 902.569.1995
f. 902.569.5000
info@townofstratford.ca
www.townofstratford.ca

If you are dissatisfied with the decision of Council, you have the right to appeal to the Island Regulatory and Appeals Commission (IRAC). A notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.

Should you have further questions please do not hesitate to contact the Stratford Planning Department at (902) 569-6253.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rough', written in a cursive style.

Phil Rough
Town Planner