



**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 Charlottetown (name of City, Town or Community) on the 09 day of August, 2021, wherein the Minister/Community Council made a decision to reject the Applicant's request for one (1) Minor Variance to reduce the minimum front yard setback and one (1) Major Variance to reduce the minimum rear yard setback, to permit two (2) singled-detached dwellings on Viceroy Avenue (PID #349035). (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)  
Please see attached.

**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)  
That the Island Regulatory and Appeals Commission rescind the decision of the Charlottetown City Council in respect of the Applicant's request and that an approval be entered.

Name(s) of Appellants Deborah Dennis Signature(s) of Appellant(s)   
Please Print Geoff Gibson, Solicitor for the Appellant  
Mailing Address 65 Water Street City/Town Charlottetown  
Province PE Postal Code C1A 1A3  
Email Address ggibson@campbelllea.com Telephone (902) 566-3400

Dated this 27 day of August, 2021  
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. In addition, the Commission requires the Appellant to provide the Notice of Appeal to any parties directly affected by the Notice of Appeal on the same date the municipal council or Minister is notified.

**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*)**

**Decision Being Appealed**

The decision of the Charlottetown City Council (the "**City**") to reject the Applicant's request for one (1) Minor Variance to reduce the minimum front yard setback requirement from 19.7ft to 18ft and one (1) Major Variance to reduce the minimum rear yard setback requirement from 24.6ft to 15.2ft, so as to allow for two (2) new single-detached dwellings on the vacant lot located at Viceroy Avenue (PID #349035), proposed for subdivision into two (2) separate parcels.

**Grounds Of Appeal**

1. The City failed to exercise its decision-making discretion in a fair, reasonable and transparent manner;
2. The City failed to provide reasons for its decision, contrary to the principles of natural justice and procedural fairness;
3. The City failed to apply sound planning principles by:
  - a. not properly considering the report of the Planning and Heritage Department; and
  - b. not complying with the principles and objectives of the City of Charlottetown Official City Plan.
4. Such further and other grounds as may be apparent upon review of the record and the Commission may permit.



# CITY OF CHARLOTTETOWN

## RESOLUTION

Planning  
#1

*MS*

MOTION CARRIED 8-1 (Councillors  
 MOTION LOST \_\_\_\_\_ *Bob Dore opposed by Councillors Bernice LaBonté*

Moved by Councillor Terry MacLeod Terry MacLeod  
 Date: August 09, 2021  
 Seconded by Councillor Julie McCabe Julie McCabe

### RESOLVED:

- That the request for:
- One (1) Minor Variance to reduce the minimum front yard setback requirement from 19.7ft to 18ft; and
  - One (1) Major Variance to reduce the minimum rear yard setback requirement from 24.6ft to 15.2ft,
- In order to permit two (2) new single-detached dwellings on the lot at Viceroy Ave. (PID #349035) which is proposed to be subdivided into two (2) separate parcels, be rejected.