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The Island Regulatory and Appeals Commission

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 14th day of July, 2021, wherein the Minister/Community Council made a decision to deny the request from Landfest Company Ltd. to rezone parcel numbers 1061175, 1061167, and 329011 from the Low-Density Residential (R1) to the Planned Unit Residential Development Zone (PURD). (Separate page attached). (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)
That the Council failed to base their decision on sound planning principles in accordance with the Town of Stratford's Official Plan. That despite contradicting the planning committee's recommendation, the Council failed to provide sound reasons for the application rejection. That the Council acted arbitrarily and violated its common law duty of procedural fairness. (Separate page 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)
A hearing de novo, that the Commission substitute its own decision from the one appealed and decide the matter anew as if it were the original decision-maker; allow the appeal; quash the Town's July 14, 2021 decision pertaining to the subject lands; allow the re-zoning of the subject lands from R1 to PURD under the proposed development scheme as recommended by the Town's planning committee. (Separate page attached).

Name(s) of Appellants William F. Dow, Q.C. Solicitor for the Appellant
Landfest Company Ltd. Signature(s) of Appellant(s) 
Please Print
Mailing Address 65 Queen Street, PO BOX 522 City/Town Charlottetown
Province Prince Edward Island Postal Code C1A 7L1
Email Address wfdow@csmlaw.com Telephone 902-892-4156

Dated this 30th **day of** July, 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 29 of the *Planning Act*)

Application by the Appellant to Town Council:

- Application to rezone parcel numbers 1061175, 1061167 and 329011, (approx. 14.01 acres in total) from the Low-Density Residential Zone (R1) to the Planned Unit Residential Development Zone (PURD).


Grounds for this Appeal are as follows:

- There is expert testimony contrary to the Council's decision;
 - The application was recommended by both an expert private consultant and a Member of the Canadian Institute of Planners who is employed by the Town of Stratford.
- The application had the support of the Town Planner and the recommendation of the Town's Planning, Development & Heritage Committee;
- The project proposed for the subject property represented sound planning;
- The project proposed for the subject property conformed with The Town of Stratford's Official Plan. The proposed project aligned with the following Official Plan Objectives:
 - Housing;
 - Transportation; and
 - Recreation, Parks and Open Space
- Council failed to provide adequate reasons for rejecting the request and in doing so violated its common law duty of procedural fairness.

The following relief if being sought:

- The Appellant requests that the Commission allow this appeal, quash the decision made by Stratford Town Council on July 14, 2021 pertaining to the subject property and order the subject property be rezoned PURD as recommended by Blaine Yatabe, MCIP, Stratford Town Planner, and by the Stratford Planning, Development & Heritage Committee.

DATE OF ISSUE: July 30, 2021


WILLIAM F. DOW, Q.C.
CARR, STEVENSON & MacKAY
Barristers & Solicitors
65 Queen Street
P.O. Box 522
Charlottetown, PE C1A 7L1
(902) 892-4156

Solicitor for the Appellant, Landfest
Company Ltd.



July 19, 2021

Landfest Company Ltd.
PO Box 96
Charlottetown, PE
C1E 7K2

Dear Mr. Horrelt:

Re: RZ000-21 -- Reddin Meadows Rezoning Request -- R1 to PURD

Please be advised that, during the regular Council meeting held on July 14, 2021, Council denied the request from Landfest Company Ltd. to rezone parcel numbers 1061175, 1061167, and 329011, (approx. 14.01 acres in total) from the Low Density Residential Zone (R1) to the Planned Residential Development Zone (PURD) for the reasons stated below:

1. Concern regarding front yard variances proposed from 72 feet to 45 feet.
2. Concern regarding side yard variances from 8 feet to 6 feet
3. Concern regarding flanking side yard variances from 17 feet to 6 feet.
4. Concern regarding the number of townhouse units being proposed in an area that is surround by single dwellings on three sides.
5. Comments received from residents on the proposed rezoning, particularly those that were received from residents living within the area.

If you are dissatisfied with the decision of Council, you have the right to appeal to the Island Regulatory and Appeals Commission. The appeal period of twenty-one (21) days begins to run when you receive the actual notice of the decision. Receipt of this letter is notice.

Should you have further questions please do not hesitate to contact the Stratford Planning Department at (902) 569-4257.

Sincerely,

Blaine Yatabe, MCIP
Town Planner

Town of Stratford
234 Stratford Drive
Stratford, PE
C1E 7K2

T: (902) 569-1500
F: (902) 569-5000
info@townofstratford.ca
www.townofstratford.ca