



October 17, 2024

VIA EMAIL

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City of Charlottetown
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Legal Services Section
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Charlottetown, PE C1A 7N8
Counsel for Minister of Fisheries, Tourism, Sport and Culture

RE: Appeal #HP24001 – Sabharwal Atlantic Holdings Ltd. v. City of Charlottetown and the Minister of Fisheries, Tourism, Sport and Culture

The Prince Edward Island Regulatory and Appeals Commission has received a Notice of Appeal from Sabharwal Atlantic Holdings Ltd. against the decision of the City of Charlottetown to designate 10 Prince Street, PID 336321, as a Heritage Resource. A copy of the Notice of Appeal is attached.

The Commission asks that the City of Charlottetown, please forward a copy of the record with respect to the above-noted decision to the Commission by Wednesday, November 13, 2024, including the City's designation as a Municipal Board from the Minister listing the delegation of powers from the Minister to the City. The record will be added to the Commission's file, distributed to the other parties, and posted on our website.

Upon receipt of the record, the Appellant will have 2 weeks to review the contents of the record, and particularize their grounds of appeal. The Appellant is required to file written submissions with the Commission within 2 weeks of receipt of the record.

Following receipt of the Appellant's written submissions, the Respondents shall have 2 weeks to file a response.

The Commission encourages the parties to raise any preliminary issues in their written submissions.

Any questions or concerns can be directed to the undersigned, at 902-892-3501 or email at appealinquiries@irac.pe.ca.

Yours truly,



Michelle Walsh-Doucette
Commission Clerk
Email: mwalshdoucette@irac.pe.ca

C. Maggie Hughes, Counsel for the Respondent, City of Charlottetown
maggie.hughes@coxandpalmer.com

Enclosure

ISLAND REGULATORY AND APPEALS COMMISSION

NOTICE OF APPEAL

Subsection 5(8) of the *Heritage Places Protection Act*

Section 10 of the *Heritage Places Protection Act Regulations*

Section 3.6 of the *Heritage Preservation Bylaw*

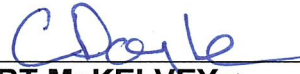
TAKE NOTICE that Sabharwal Atlantic Holdings Ltd. (the “Appellant”) hereby appeals against the decision to designate 10 Prince Street (PID #336321) as a Heritage Resource. A copy of this decision is included in the documentation attached as Appendix A to this notice of appeal.

AND FURTHER TAKE NOTICE that the grounds of appeal are as follows:

1. The Appellant owns 10 Prince Street (PID #336321);
2. Errors of law;
3. Errors of fact;
4. Errors of mixed fact and law;
5. Errors of procedure;
6. Errors of jurisdiction;
7. Such further grounds as counsel for the Appellant may advise in a timely manner upon review of the record.

THE APPELLANT SEEKS the following relief:

8. That the Commission nullify the decision to designate 10 Prince Street (PID #336321) as a Heritage Resource;
9. That the Commission revoke the Notice of Heritage Resource Designation;
10. Such further relief as counsel for the Appellant may advise in a timely manner upon review of the record.



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**Counsel for Sabharwal Atlantic Holdings
Ltd.**

TO: The Island Regulatory and Appeals Commission
c/o Philip Rafuse, Appeals Administrator
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1

AND TO: City of Charlottetown
199 Queen Street
Charlottetown, PE
C1A 4B7

AND TO: Minister of Fisheries, Tourism, Sport and Culture
Shaw Building
95-105 Rochford Street
Charlottetown, PE C1A 7N8
North 3rd Floor

Appendix A

NOTICE OF HERITAGE RESOURCE DESIGNATION
City of Charlottetown Heritage Preservation Bylaw
(PH-HP.1-001 March 15, 2019)


Whereas a Notice of Intention to Designate dated May 1, 2024, was served and published pursuant to the bylaw with respect to the following site:

10 Prince Street, Charlottetown, Queens County
Property Identifier Number: 336321
Owners: Sabharwal Atlantic Holdings LTD

I hereby designate the said site as a Heritage Resource pursuant to section 3 of the bylaw.

The owner of the property containing the Heritage Resource may appeal the designation by written notice in the approved form to the Island Regulatory and Appeals Commission, within 30 days of the service of Notice of Heritage Resource Designation.

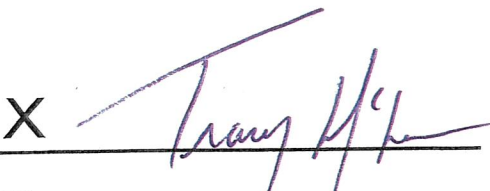
DATED at Charlottetown, this 12th day of September 2024,



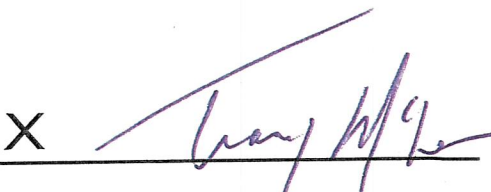
Mayor Philip Brown
Mayor, City of Charlottetown

X 

Eleanor Mohammed
CAO, City of Charlottetown

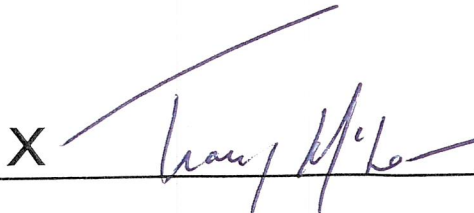
X 

Witness

X 

Witness

On the 12th day of September A.D. 2024 personally appeared before me Tracy McLean of City of Charlottetown in Queens County and being sworn, testified that he/she is a subscribing witness to the Notice of Heritage Resource Designation and that he/she was present and did see the same duly executed by the Mayor/CAO of Charlottetown, the Mayor/CAO therein named.

X 

Commissioner

Tracey McLean
Commissioner of Deeds
Province of Prince Edward Island



**CITY OF CHARLOTTETOWN
RESOLUTION OF COUNCIL**

2024-COCR-0198

Planning & Heritage
#1

MOTION CARRIED 12

MOTION LOST _____

*Councillor
Twice
absent
Councillors & Bernard
Doiron & Bernard
opposed
Carried*

Date: September 10, 2024

Moved by Deputy Mayor *[Signature]* Alanna Jankov

Seconded by Councillor *[Signature]* Julie McCabe

RESOLVED:

That the request to accept Heritage Board's recommendation and designate 10 Prince Street (PID#336321) as a Heritage Resource per section 3.3 of the Heritage Preservation Bylaw and include the property on the Inventory of Designated Heritage Resources for the City of Charlottetown be approved.

SCHEDULE "A"

ALL THAT TRACT, piece and parcel of land situate, lying and being in Charlottetown, in Queens County, Province of Prince Edward Island, and being part of Lot Number 21 in the first hundreds of Town Lots in Charlottetown, aforesaid, bounded and described as follows, that is to say

COMMENCING at the angle of Prince and Water Streets, on the North side of Water Street and on the East side of Prince Street and running along Prince Street Northwardly 42 Feet;

THENCE Eastwardly 84 Feet to Town Lot Number 22 in the said first hundreds;

THENCE Southwardly along the division line of Town Lots Numbers 21 and 22 for the distance of 42 Feet to Water Street aforesaid, and

THENCE along the North side of Water Street Westwardly 84 Feet to the place of commencement