



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued:

March 2, 2022

Docket:

LA21013

Type:

Planning Act Appeal

INDEXED AS: Andrea Battison v. City of Charlottetown

Order No: LA22-05

BETWEEN:

ANDREA BATTISON

Appellant

AND:

CITY OF CHARLOTTETOWN

Respondent

AND:

APM COMMERCIAL

Developer

REVISED DIRECTION REGARDING PROCEDURE

Panel Members:

J. Scott MacKenzie, Q.C., Chair

M. Douglas Clow, Vice-Chair

Erin T. Mitchell, Commissioner

CERTIFIED A TRUE COPY


Philip J. Rafuse,

Appeals Administrator

Prince Edward Island Regulatory & Appeals
Commission

1. BACKGROUND

1. On December 20, 2021 the Commission issued Order LA21-01 which set out the background to this appeal and gave procedural direction, including hearing dates and specific deadlines.
2. In January 2022, the Appellant requested new hearing dates and deadlines. A pre-hearing Conference was held on January 27, 2022. Following the pre-hearing conference, Commission staff advised the parties by email on January 27, 2022 of the new hearing dates and deadlines established by the Commission.

2. REVISED PROCEDURAL DIRECTION

3. The Commission issues the following Revised Procedural Direction to formally establish the new hearing dates and deadlines.:
4. The hearing of the appeal will commence on Wednesday May 25, 2022 commencing at 9:30 a.m. Unless otherwise approved, the Commission requires all parties, their legal counsel, all witnesses and any agents or support persons be physically present in the hearing room for the hearing. All parties must be prepared to address the merits of the appeal at this date and time.
5. The hearing may continue, if required, on Thursday May 26 and Friday May 27, 2022 in order to complete the hearing.
6. The following deadlines apply to this hearing:
 - a) The report of the Appellant's expert, Harold Madi, together with all supporting documentation as set out in Rule 58.1 (a) through (f), must be Filed and Served on or before Thursday April 14, 2022 at 12 noon. Rule 59 applies to Mr. Madi's testimony before the Commission at the hearing. Mr. Madi is required to appear in person before the Commission at the hearing.
 - b) Other expert reports, to be submitted by any of the parties, must also comply with Rule 58.1 (a) through (f), and must also be filed and served on or before Thursday April 14, 2022 at 12 noon. Rule 59 also applies to their expert's testimony before the Commission at the hearing. The expert is required to appear in person before the Commission at the hearing.
 - c) Any amendment to the Notice of Appeal must be filed not later than Thursday April 21, 2022 at 12 noon and shall fully comply with the requirements set out in Rule 27.
 - d) Any miscellaneous documents or exhibits not previously referred to shall be filed and served not later than Thursday April 28, 2022 at 12 noon.
7. The City's solicitors have previously confirmed that the City's record is complete.

8. All witness lists and 'will-say' statements have been previously received from the parties and no additional witnesses will be permitted to be called at the hearing.
9. In all other respects, the directions set out on Order LA21-01 continue to apply.
10. This direction may be further adjusted or supplemented by the Commission at any time.

DATED at Charlottetown, Prince Edward Island, Wednesday, March 2, 2022.

BY THE COMMISSION:

(sgd) J. Scott MacKenzie

J. Scott MacKenzie, Q.C., Chair

(sgd) M. Douglas Clow

M. Douglas Clow, Vice-Chair

(sgd) Erin T. Mitchell

Erin T. Mitchell, Commissioner