



Date Issued: September 28, 2023
Docket: LA23009
Type: Planning Act Appeal

INDEXED AS: Andrea Battison v. City of Charlottetown

Order No: LA23-08

BETWEEN:

ANDREA BATTISON

Appellant

AND:

CITY OF CHARLOTTETOWN

Respondent

AND:

PEI HOUSING CORPORATION

Developer

DIRECTION REGARDING PROCEDURE

Panel Members:

J. Scott MacKenzie, K.C., Chair
M. Douglas Clow, Vice-Chair
Kerri Carpenter, Commissioner

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Philip J. Rafuse
Appeals Administrator
Prince Edward Island Regulatory
and Appeals Commission

1. BACKGROUND

1. On April 17, 2023, the Commission received a Notice of Appeal from Andrea Battison appealing a decision of the City of Charlottetown, dated March 27, 2023, to issue a demolition permit (001-Dem-23) for 231 Richmond Street, Charlottetown (PD#340703) (the "Permit").
2. On that same day, the Appellant advised the Commission that she had requested a reconsideration of the City's decision, pursuant to section 3.15 of the City's Zoning and Development Bylaw. In accordance with section 3.15.7 of the Bylaw, the Appellant requested the Commission hold the appeal in abeyance pending a reconsideration by the City. The Commission agreed to hold the appeal in abeyance to allow the reconsideration process to proceed.
3. On August 24, 2023, the Commission was advised that the City decided not to reverse the decision of the Development Officer to approve the demolition permit (001-DEM-23). Accordingly, the Commission lifted the abeyance and requested that the City file its Record.
4. The City's record was filed on September 21, 2023.
5. The Commission notes that the demolition permit application was filed by the Public Works and Planning Division of the Prince Edward Island Department of Transportation and Infrastructure ("Public Works"). The Permit was similarly issued to Public Works. However, the Commission has been advised by PEI Housing Corporation that it is the registered owner of 231 Richmond Street (PID#340703) and the developer of this project.

2. PROCEDURAL DIRECTION

6. To ensure the hearing of this appeal proceeds in an orderly and timely manner that is fair, the Commission issues the following Procedural Direction:
 - i. The hearing of the appeal will be held on **Tuesday, November 14, 2023** commencing at **9:30 a.m.** Unless otherwise approved, the Commission requires all parties, their legal counsel, 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.
 - ii. Subject to these directions and deadlines, the Commission's Rules of Practice & Procedure shall apply to this appeal hearing.
 - iii. The parties to the appeal consist of the Appellant, Andrea Battison, who is self-represented, the Respondent City of Charlottetown as represented by legal counsel Melanie McKenna and Maggie Hughes, and the Developer PEI Housing Corporation as represented by Jason Doyle, Director of Housing Services with the Department of Housing, Land and Communities.
 - iv. In the event that the Appellant retains legal counsel for this appeal, their counsel shall immediately advise the Commission and the other parties.

7. The following deadlines apply to this hearing:
- i. Any further supplementary documents or additions to the City's Record must be filed with the Commission and served on the other parties ("Filed and Served") by **Friday October 13, 2023, at 4:00 p.m.**
 - ii. If the Appellant intends to call an expert to give evidence, then the Appellant must provide the name of the expert and all supporting documentation as set out in Rule 58.1(a) through (f), to the Commission and all other parties, on or before **Friday October 20, 2023, at 4:00 p.m.** Rule 59 applies to the testimony of any such expert before the Commission at the hearing. The expert is required to appear before the Commission at the hearing, either in person or, if they reside outside of the Province of Prince Edward Island, via Zoom audio and video.
 - iii. All Other expert reports to be submitted by any of the parties must also comply with Rule 58.1 (a) through (f), and must be filed and served on or before **Friday, October 20, 2023, at 4:00 p.m.** Rule 59 also applies to their expert testimony before the Commission at the hearing. The expert is required to appear before the Commission at the hearing, either in person or, if they reside outside of the Province of Prince Edward Island, via Zoom audio and video.
 - iv. Any amendment to the Notice of Appeal must be filed not later than **Friday October 20, 2023, at 4:00 p.m.** and shall fully comply with the requirements set out in Rule 27.
 - v. All witness lists and 'will-say' statements must be filed by all parties on or before **Friday October 27, 2023, at 4:00 p.m.** No additional witnesses will be permitted to be called at the hearing after this deadline.
 - vi. The Appellant shall prepare a written submission addressing the grounds for the appeal and the reasons that the decision of the City should be overturned and it must be filed and served on or before **Friday October 27, 2023, at 4:00 p.m.**
 - vii. The Respondent and the Developer shall file written submissions in response and they must be filed and served on or before **Friday November 3, 2023, at 4:00 p.m.**
 - viii. Any miscellaneous documents or exhibits not previously referred to shall be filed and served not later than **Friday October 20, 2023, at 4:00 p.m.**
 - ix. In the event that an expert witness elects to testify via Zoom audio and video, the Commission must be advised not later than **Friday October 20, 2023, at 4:00 p.m.**
8. This direction may be adjusted or supplemented by the Commission at any time.

DATED at Charlottetown, Prince Edward Island, Thursday, September 28, 2023.

BY THE COMMISSION:

(sgd.) J. Scott MacKenzie

J. Scott MacKenzie, K.C., Chair

(sgd.) M. Douglas Clow

M. Douglas Clow, Vice-Chair

(sgd.) Kerri Carpenter

Kerri Carpenter, Commissioner