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Docket: LA24007
Type: Planning Act Appeal

INDEXED AS: Derek French v. City of Charlottetown,
2025 PEIRAC 01(CanLII)

Order No: LA25-01

BETWEEN:

Derek French

Appellant

AND:

City of Charlottetown

Respondent

REASONS FOR DECISION

Panel Members:

Kerri Carpenter, (Acting) Chair, Panel
Chair

M. Douglas Clow, (Acting) Vice-Chair

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Philip J. Rafuse,
Appeals Administrator
Island Regulatory & Appeals Commission

Contents

| | |
|--|-----------|
| Appearances & Witnesses | 2 |
| 1. Introduction..... | 3 |
| 2. Background..... | 3 |
| 3. Issues | 3 |
| 4. Disposition | 4 |
| 5. Evidence..... | 4 |
| 6. Analysis..... | 4 |
| A. Authority And Guideline..... | 4 |
| B. Procedural Issues..... | 5 |
| C. Sound Planning Principles..... | 7 |
| 7. Conclusion | 13 |
| 8. Order..... | 13 |

Appearances & Witnesses

1. For the Appellant, Derek French:

Counsel:

Curtis Doyle, Stewart McKelvey

Witness:

Derek French

2. For the Respondent, City of Charlottetown:

Counsel:

Melanie McKenna, Cox & Palmer

Witness:

Laurel Palmer-Thompson, Planner, City of Charlottetown

1. INTRODUCTION

1. This is an appeal of the decision of the City of Charlottetown, made March 12, 2024, to deny the Appellant's request to rezone lot 160, Fairdale Drive (PID #192153) located in the Montgomery Heights subdivision in East Royalty (the "Subject Property"). The Appellant sought to rezone the Subject Property from Medium Density Mixed Use Residential Zone (MUR) to the Apartment Residential Zone (R-4B) in order to support his proposal to further subdivide the Subject Property into six new lots to accommodate approximately 32 residential dwelling units on each lot.¹
2. The Appellant's appeal argues that in denying the rezoning request, Council failed to provide sufficient reasons for its decision, and misinterpreted or failed to apply the City's Official Plan, East Royalty Master Plan and *Zoning & Development Bylaw*.

2. BACKGROUND

3. On May 18, 2023, the Appellant submitted a Rezoning & Amendments Application to the City of Charlottetown. The Application sought to rezone the Subject Property from Medium Density Mixed Use Residential Zone (MUR) to the Apartment Residential Zone (R-4B) ("Rezoning Application"). The Rezoning Application noted, as rationale, that the Subject Property was always considered for seniors housing and apartment complex(es) would be the most efficient use of the parcel and would allow for more density.
4. In January 2024, the City gave notice of a public meeting in respect of the Rezoning Application in accordance with requirements of the Zoning & Development Bylaw, including sending notification to nearby property owners.² The public meeting took place on January 23, 2024.
5. At the City's Planning Board meeting on February 21, 2024, Planning Board voted to recommend to Council to approve the Rezoning Application, in accordance with the recommendation of the City's Planning & Heritage Department ("Planning Staff").³
6. On March 12, 2024, at a regular monthly meeting of Council, Council voted 7-3 to deny the Rezoning Application.⁴
7. The Appellant filed a Notice of Appeal with the Commission on March 26, 2024.
8. The Commission heard the appeal at a public hearing on September 25, 2024.

3. ISSUES

9. The appeal raises two main questions for the Commission. The first issue is procedural and asks the Commission to determine whether the City failed to discharge its duty of procedural fairness by providing inadequate or insufficient reasons for its decision. Second, the Commission must consider whether the decision made by the City to deny

¹ Rezoning and Amendments Application - Appeal Record, Tab 1.

² Notice of Public Meeting - Appeal Record, Tabs 7-9.

³ Planning Board Minutes, February 21, 2024 - Appeal Record, Tab 15.

⁴ Council Minutes, March 12, 2024 - Appeal Record, Tab 16.

the Rezoning Application was made in accordance with the City's Official Plan, East Royalty Master Plan, and Zoning & Development Bylaw, and was based on sound planning principles.

4. DISPOSITION

10. The appeal is denied. The Commission is satisfied that the City adequately discharged its duty of procedural fairness, and provided sufficient reasons for its decision to deny the Rezoning Application. We are similarly satisfied that that the City's decision was made in accordance with the Official Plan, East Royalty Master Plan, and Zoning & Development Bylaw, and was based on sound planning principles.

5. EVIDENCE

11. The documentary evidence before the Commission consisted of the City's Appeal Record, totalling over 350 pages, and including (but not limited to): the Rezoning Application itself, Planning Staff Reports, email correspondence, the verbatim minutes of the public meeting in respect of the Application, and the verbatim minutes of the Planning Board and Council meetings in which this Application was discussed and considered.
12. At the hearing, the City called one witness, being Laurel Palmer-Thompson. Ms. Palmer-Thompson is a Planner for the City of Charlottetown and has appeared before the Commission many times. Ms. Palmer-Thompson was accepted by the Commission as having expertise in the area of land use planning.
13. The Appellant also testified at the hearing and provided fact evidence relating to the Subject Property and the Rezoning Application.

6. ANALYSIS

A. Authority and Guideline

14. The parties agree that the guideline developed by the Commission for exercising its appellate authority under the *Planning Act*⁵ applies in this case. The guideline involves two main considerations:⁶
 - i. Whether the municipal council followed the proper procedure as required by its bylaw, the *Planning Act* and the law in general, including the duty of procedural fairness; and
 - ii. Whether the decision made by the municipal council has merit based on sound planning principles in the field of land use planning and as enumerated in the Official Plan and Bylaw.

⁵ RSPEI 1988, P-8.

⁶ See, for example: Order LA23-03, *New Homes Plus v. City of Charlottetown*, at para 34; Order LA22-07, *Landfest Company Ltd. v. Town of Stratford*, at para 32 [*Landfest*]; and Order LA17-02, *APM Construction Services Inc. v. Community of Brackley*, at para 21.

15. The Commission does not lightly interfere with decisions made by a municipal council.⁷ The Commission will typically be deferential toward planning decisions by Council that are properly made, and will generally be reluctant to interfere with a decision on the basis that it is not consistent with sound planning principles where that decision is supported by objective and reliable evidence. This evidence must come from planning professionals confirming that the decision is based on the applicable official plan and bylaw, and sound planning principles.⁸

B. Procedural Issues

16. The Appellant raised a procedural issue with respect to the adequacy or sufficiency of Council's reasons in denying the Rezoning Application.

17. The Commission has previously held that reasons are sufficient when they explain why a municipal council arrived at its decision.⁹ When reviewing for adequacy or sufficiency, the Commission must consider the reasons given as a whole in the context of the application before council and with an appreciation for the type of decision made.¹⁰

18. Importantly, Council's decision in this case was contrary to the recommendation of City Planning Staff and the recommendation from Planning Board. Where that happens, the Commission has said there is an added obligation on Council to demonstrate reasons for not following the advice of its professional planning staff.¹¹ Council's decision-making process should clearly demonstrate what factors were considered that support the final decision, and those factors must be based on sound planning principles.¹²

19. The Appellant argues that, in this case, Council's reasons are too sparse, too confused, and too self-contradictory to inform the reader why Council voted as it did. More specifically, the Appellant submits that Council's reasons did not meet the threshold previously expressed by the Commission for the following reasons:

- a) three of the Councillors who voted against the Rezoning Application gave no reasons at all;
- b) the fourth Councillor who voted against the Rezoning Application cited the lack of development in the subdivision;
- c) the fifth and sixth Councillors who voted against the Rezoning Application cited the rapid development in the subdivision; and
- d) the seventh Councillor who voted against the Rezoning Application cited "confusion".

⁷ *Landfest* at para 32.

⁸ Order LA18-02, *Queens County Condominium Corporation No. 40 v. City of Charlottetown*, at para 41. [QCC No. 40]

⁹ Order LA17-08, *Pine Cone Developments Inc. v. City of Charlottetown* (November 15, 2017) at para. 56. See generally *Congrégation des témoins de Jéhovah de St-Jérôme-Lafontaine v. Lafontaine (Village)*, 2004 SCC 48 at para. 12.

¹⁰ Order LA22-07, *Landfest Company Ltd. v. Town of Stratford* at para. 46.

¹¹ *Landfest*, at para 48; see also Order LA20-04, *Jessie-Frost Wicks et al. v. City of Charlottetown*, at para 35 [*Jessie-Frost Wicks*].

¹² *Landfest*, at para 48.

20. In response, the City submits that the minutes reflect the reasons for denial and that the Appellant knows why the Rezoning Application was denied. In particular, the City refers the Commission to the following:
- a) Councillor Bernard articulated his view that rezoning the Subject Property was premature given that the subdivision was not 50% completed and that the Rezoning Application was not consistent with the East Royalty Master Plan or the expectations of residents;
 - b) Councillor McCabe stated several reasons for her vote, including, but not limited to, the lack of infrastructure in the immediate area such as streetlights, roads and stormwater management systems; and
 - c) Councillor Muttart stated his concerns with respect to density and the expectation of residents that there would be more housing for seniors.
21. The City further submits that there is no procedural requirement that every member of Council must provide their reasons. Rather, they submit that the record as a whole must sufficiently reflect the reasons for Council's decision.
22. Ultimately, the Commission agrees with the City. Upon review of the Appeal Record as a whole, the Commission is satisfied that the minutes of the March 12th Council Meeting do set out the reasons why Council voted against the Rezoning Application. Members of Council asked questions and engaged in a discussion about the Rezoning Application, and three Councillors spoke to their specific reasons for voting against the Rezoning Application. At least one of the Councillors who spoke specifically referenced Planning Staff's report, commenting that she would not be supporting the Rezoning Application because of the shortcomings.
23. As the Commission has previously addressed, we do not believe that every single Councillor has to voice their opinion¹³ if the minutes demonstrate that there are sound reasons on the record. We think it is reasonable to accept that where there are reasons on the record, the Councillors who did not speak or raise any unique issues can be assumed, within reason, to have accepted the reasons and rationale of, and voted with, those Councillors who did speak.
24. Upon our review of the minutes of the March 12th Council Meeting, we note the following verbatim comments on the record, in particular:¹⁴
- Councillor Bernard: *"I'm just going to say 'no' because I think it is too early. I think there is still opportunity there for senior complexes to go up."*
 - Councillor McCabe: *"...because of the shortcomings, I won't be supporting the [Rezoning Application] at this time either."*
 - Councillor Muttart: *"I was just more concerned about, it was obviously before my time but what was proposed a number of years ago about seniors and involving more seniors housing within that area and the density that is going*

¹³ *Landfest*, at para 52.

¹⁴ Council Minutes, March 12, 2024 - Appeal Record, Tab 16.

there rapidly so I feel like rezoning that against that, is kind of going against the wishes of the people of the time..."

25. It is also worth pointing out that Councillor McCabe made significant comments on the record at the Planning Board meeting, voicing her concerns with the Rezoning Application and why she would not be supporting it.¹⁵
26. The Commission is satisfied, in this case, that the minutes of Council are sufficient in the procedural sense. Whether those reasons are grounded in sound planning principles is a separate and different question that will be considered below, but we are satisfied the Appellant knows why the Rezoning Application was denied and the record demonstrates the reasons why Council did not follow the advice of Planning Staff. This ground of appeal, based on procedural error, is therefore not accepted by the Commission.

C. Sound Planning Principles

27. The second consideration in the Commission's two-step guideline asks whether the decision made by Council has merit based on sound planning principles in the area of land use planning and as enumerated in the Official Plan and Zoning & Development Bylaw. In order to uphold a decision of Council on appeal, it well-settled that the Commission must be satisfied that the final decision made by Council was animated by sound planning principles.
28. The Commission has commented many times in previous decisions on what it expects of municipal decision makers. In this case, Council voted contrary to the recommendation from Planning Staff and Planning Board. The Commission has previously said that Council is free to decide contrary to the recommendation of its Planning Staff, but where that happens there is an added obligation to demonstrate reasons for not following the advice of its professional planning staff.¹⁶ In our opinion, this standard must also contemplate Council's ultimate discretion to decide contrary to Planning Staff's recommendation and advice, so long as their decision is animated by sound planning considerations. Further, in a case where we are satisfied that the decision was procedurally sufficient, we are inclined to be deferential towards the reasons of City Council.¹⁷
29. The Appellant argues that, in this case, Council's reasons fail to demonstrate that sound planning principles animated Council's decision to reject the recommendation of Planning Staff and Planning Board. The Appellant submits that of the Councillors who actually spoke, they repeatedly referred to considerations that were irrelevant, not based in evidence, or not grounded in sound planning principles. For example, the Appellant submits (paraphrased):
 - a) One Councillor voted against the Rezoning Application because of confusion;
 - b) One Councillor raised concerns about development outpacing infrastructure that were not based in evidence because Planning Staff concluded the proposed rezoning would be a less intensive use than currently allowed;

¹⁵ Planning Board Minutes, February 21, 2024 - Appeal Record, Tab 15.

¹⁶ *Landfest*, at para 48; Order LA20-04, *Jessie-Frost Wicks*, at para 35; Order LA15-06, *Hanmac Inc. v. City of Charlottetown*, at para 42.

¹⁷ *Landfest* at para 32.

- c) Two Councillors alleged the Subject Property was prematurely being advertised as condominiums, which was neither factual nor a planning consideration;
 - d) Regarding the concerns of Councillors about moving away from community care:
 - i. Current zoning does not require the Subject Property be used for community care;
 - ii. The proposed rezoning would still permit the Subject Property be used for community care; and
 - iii. The market has shown little interest in using the Subject Property for community care.
 - e) Finally, in respect of the Councillors' concerns about going against the expectations of residents, the Appellant submits that these concerns are only valid if they are tied to legitimate land use considerations¹⁸ and that the ERMP was not intended to be a static document, and the City is now in a totally different housing situation.¹⁹
30. The City responds to these arguments by submitting that while the Commission has held that decisions of municipal councils must have merit based on sound planning principles, this does not mean that the Commission must find: (1) that the proposed rezoning did not represent sound planning; or (2) that the status quo represented better planning than the proposed rezoning.
31. The City further submits that the considerations of Council in denying the Rezoning Application are consistent with those which were considered shortcomings in the report from Planning Staff (the "Planning Staff Report" or "Report"), including that there will be less chance community care will be built at the location should the requested zoning be approved, and that residents had concerns over higher density development and the impacts it would cause to existing residential development. The City submits that Council must conduct its own analysis of the relevant planning principles and, accordingly, may give differing weight to each of these factors.
32. The evidence before the Commission with respect to sound planning was from the City's own professional land use planner, Laurel Palmer-Thompson. As noted above, Ms. Palmer-Thompson has appeared before the Commission many times and was accepted by the Commission as having expertise in the area of land use planning. Ms. Palmer-Thompson's evidence in respect of sound planning came from her Report and her testimony at the hearing. She provided measured and balanced testimony.
33. In respect of sound planning principles, Ms. Palmer-Thompson testified that these principles often take into account things like land use, social and economic factors, and recreation. For example, she testified that in reviewing an application or development, she considers its potential social impacts, including whether there is adequate infrastructure.

¹⁸ Appellant cites: *Landfest*, at para 51c.

¹⁹ July 4, 2023, Planning Board Minutes (Remark by Laurel Palmer-Thompson) - Appeal Record, Tab 3, pg 21.

She then formulates an opinion based on whether the particular request meets those needs.

34. Ms. Palmer-Thompson also testified that Official Plan policies can often conflict with one another, and that considering any planning request requires looking at those conflicting policies and weighing the pros and cons. For example, she testified that some policies could support higher-density development, while others favour harmonious development. Ms. Palmer-Thompson said that while her professional assessment and opinion in this case was to recommend Council approve the Rezoning Application, Council makes the final decision.

35. Ms. Palmer-Thompson spoke to her Report, and explained that it includes a table of positives, neutral factors, and shortcomings of the proposed Rezoning Application. She described the table as a short summary of the overall Planning Board Report. The table is reproduced below:²⁰

| Positives | Neutral | Shortcomings |
|---|---------|---|
| <ul style="list-style-type: none"> ▪ The City is experiencing a demand for housing and this proposal would provide additional options for housing within this neighbourhood. ▪ The proposal is close to an elementary school, parkland, and public transit service. There are also convenience services in the area. ▪ The property is in an area that has municipal services. Additional density contributes to more efficient use of underground services. ▪ The proposal will increase the property tax base which would allow for more municipal services to be funded in future. | | <ul style="list-style-type: none"> ▪ Concerns were raised by area residents over higher density development and the impacts to existing residential development that this could cause. ▪ There is less chance that seniors housing, community care or nursing homes would be built at this location should the requested rezoning be approved. ▪ Landscape buffers would be required between higher density and lower density development. |

36. Ms. Palmer-Thompson testified that the shortcomings listed in the table are considered sound planning concerns.

37. With respect to the second shortcoming, in particular, Ms. Palmer-Thompson testified that that the East Royalty Master Plan included looking at “age in place policies” for the neighbourhood. She testified that ideally, you want a mix of housing within a neighbourhood for people at various stages of life and levels of income. Ms. Palmer-Thompson agreed that the proposed zone for the Subject Property (being Apartment Residential Zone (R-4B)) does *include* community care facility as a permitted use, and that the Rezoning Application would not, therefore, preclude future development of community care facilities. These points are both addressed in the Planning Staff Report.²¹

²⁰ Planning Board Report - Appeal Record, Tab 14, pg. 135.

²¹ Planning Board Report - Appeal Record, Tab 14, pg. 133.

38. Notwithstanding, Ms. Palmer-Thompson also testified that Planning Staff did feel that there would be less chance of the Subject Property being used for community care if the land were rezoned. She said this was listed as a shortcoming in the Report because Planning Staff felt that if the Subject Property were rezoned, the demand for apartment buildings would be prioritized over community care facilities.

39. The Commission has carefully reviewed the Appeal Record, in particular the verbatim minutes of the March 12th Council Meeting. By way of examples, the Commission notes the following considerations relied upon by the Councillors who voted against the Rezoning Application:²²

- Councillor Bernard:

I'm just going to say 'no' because I think it is too early. I think there is still opportunity there for senior complexes to go up.

[...]

...that section that they want to rezone, that block of land was for seniors housing and for me its [sic] too quick to change the zoning yet... the area is not fully developed yet and how do we know that this community housing is not still going to come to fruition?

- Councillor McCabe:

...because of the shortcomings, I won't be supporting the [Rezoning Application] at this time either. I think the housing piece for seniors was something that people did like, and I also just heard that we are going to be redoing our Official Plan and in that, I think that's the time they can relook and see what needs to happen to accommodate our housing issues.

- Councillor Muttart

... I think Councillor McCabe addressed it. I was just more concerned about, it was obviously before my time but what was proposed a number of years ago about seniors and involving more seniors housing within that area and the density that is going there rapidly so I feel like rezoning that against that, is kind of going against the wishes of the people of the time...

40. In the Commission's opinion, these comments are clear on their face. These Councillors were alive to the opinion of Planning Staff that rezoning the Subject Property could result in less chance community care facilities would be developed in the neighbourhood. The Commission accepts that this is a planning consideration which animated Council's decision to reject the recommendation of Planning Staff and Planning Board.

²² Council Minutes, March 12, 2024 - Appeal Record, Tab 16.

41. Another issue raised at the March 12th Council Meeting was with respect to development in the neighbourhood outpacing infrastructure. In particular, the Commission notes the following comments of Councillor McCabe at the March 12th Council meeting:²³

We have apartments, we have condos, we have townhouses, we have R-2s and we have R-1 houses. What we don't have is we don't have upgraded infrastructure and we are hearing that all the time; we haven't caught up. We don't have streetlights. We have heard from Public Works that MacWilliams Rd is definitely a road that needs to be upgraded. It wasn't built to maintain the development that is there. We've had issues with sediment running into our stormwater management in the last little while that they are trying to work on now which tells us that we are being a little bit overloaded with the systems that we have out there.

42. Councillor McCabe went on to point out there are many positives highlighted in Planning Staff's Report, including specifically an increase in tax base leading to more municipal services. However, she goes on to comment that this is not considered a positive to her because the area is presently lacking convenience services.

43. The Commission has also reviewed Councillor McCabe's comments at the Planning Board meeting, for example:²⁴

- *... we've blown up in Montgomery Heights in three years, four years, something that was projected to take 20 years, 10 years, somewhere in that range.*
- *We heard very clearly in our Public Works meeting that MacWilliams Road is in need of an upgrade ... we have infrastructure out there that definitely needs to be upgraded if we're going to continue to develop at this capacity for sure.*
- *A highlight of the report indicates that there is transit service – we don't have public transit in East Royalty.*
- *... if we're going to keep approving these things, then we're gonna [sic] have to invest in the infrastructure on the roadways...*

44. Councillor McCabe's reasons for voting against the Rezoning Application are quite clear to the Commission. She expressed a real concern about development outpacing infrastructure in the neighbourhood.

45. The Appellant argues that this is not a sound planning consideration because Planning Staff's Report concluded that the rezoning proposal would result in a less intense use of the Subject Property. However, in our opinion, the reality is more nuanced.

46. While we do agree that Planning Staff's Report concluded that "institutional zoning [is] a more intensive use" for the Subject Property, the Report also concludes that anticipated

²³ Council Minutes, March 12, 2024 - Appeal Record, Tab 16.

²⁴ Planning Board Minutes, February 21, 2024 - Appeal Record, Tab 15.

daily traffic for both uses would be similar. The Report also notes as a shortcoming that area residents raised concerns over higher-density development and the impacts to existing residential development as a result.²⁵

47. In our opinion, the concerns raised by Councillor McCabe concerns are nevertheless sound planning considerations. Her comments at the Council and Planning Board meetings recognize that there is a variety of housing options in the neighbourhood, but also call attention to the lack of streetlights, the need for road upgrades, and stormwater management upgrades.
48. The Commission acknowledges that Councillor McCabe, and Councillor Muttart to a lesser degree, made comments about condos being advertised for sale on the Subject Property. The Appellant testified this is untrue. We agree that reasons not based in fact cannot form the basis for sound planning rationale. However, we are nevertheless satisfied that both Councillor McCabe and Councillor Muttart provided substantive comments based in sound planning principles as their reasons for voting against the Rezoning Application.
49. Finally, it is unfortunate that Councillor Tweel did not have his questions addressed prior to the vote being called. This is far from ideal. However, preceding this comment, Councillor Tweel appeared to question what request was even being considered. Deputy Mayor Jankov replied that the request was clearly outlined in the Report and went on to explain the rezoning proposal to Councillor Tweel. The Commission is satisfied on a review of the record as a whole that the Planning Staff Report and Planning Board minutes included sufficient detail to fully explain the resolution Council would be voting on. We are, therefore, not convinced that Councillor Tweel's confusion in the circumstances is sufficient to undo Council's work.
50. In conclusion, the Commission is satisfied that Council conducted its own review of the Rezoning Application, assessed it against Planning Staff's Report, and ultimately gave different weight to the factors highlighted by Planning Staff.
51. We reiterate that where Council is the ultimate decision-maker, they have the discretion to decide different than that which is recommended by Planning Staff and Planning Board. The Commission's test requires only that the decision have merit based on sound planning or be animated by sound planning principles.²⁶ The test does not require that it be based on the very same sound planning principles relied on by Planning Staff.
52. In this case, Council's reasons for denying the Rezoning Application are different than those relied upon by the City's Planning Staff in recommending its approval. However, as noted above, Ms. Palmer-Thompson testified that Council as the ultimate decision-maker may sometimes prioritize different things, and that Council ultimately gave more weight to the shortcomings highlighted in the Report. As discussed above, Ms. Palmer-Thompson testified that these are also sound planning concerns. The Commission is satisfied that the final decision made by Council, though different than Planning Staff's recommendation, was animated by sound planning principles.

²⁵ Planning Board Report - Appeal Record, Tab 14.

²⁶ See, for example: Order LA23-03, *New Homes Plus Inc. v. City of Charlottetown*, at paras 34 and 44.

7. CONCLUSION

53. The appeal is denied. The Commission is satisfied that the City adequately discharged its duty of procedural fairness, and provided sufficient reasons for its decision to deny the Rezoning Application. We are similarly satisfied that that the City's decision was made in accordance with the Official Plan, East Royalty Master Plan, and Zoning & Development Bylaw, and was based on sound planning principles.

54. We thank the parties for their submissions in this matter.

8. ORDER

55. **The appeal is denied.**

DATED at Charlottetown, Prince Edward Island, **March 24, 2025**

BY THE COMMISSION:

(sgd.) *Kerri Carpenter*

Kerri Carpenter, (Acting) Chair, Panel Chair

(sgd.) *M. Douglas Clow*

M. Douglas Clow, (Acting) Vice-Chair

NOTICE

Section 12 of the *Island Regulatory and Appeals Commission Act* reads as follows:

12. The Commission may, in its absolute discretion, review, rescind or vary any order or decision made by it, or rehear any application before deciding it.

Parties to this proceeding seeking a review of the Commission's decision or order in this matter may do so by filing with the Commission, at the earliest date, a written Request for Review, which clearly states the reasons for the review and the nature of the relief sought.

Sections 13(1) and 13(2) of the *Act* provide as follows:

13(1) An appeal lies from a decision or order of the Commission to the Court of Appeal upon a question of law or jurisdiction.

(2) The appeal shall be made by filing a notice of appeal in the Court of Appeal within twenty days after the decision or order appealed from and the rules of court respecting appeals apply with the necessary changes.

NOTE: In accordance with IRAC's *Records Retention and Disposition Schedule*, the material contained in the official file regarding this matter will be retained by the Commission for a period of 2 years.