



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

**Date Issued:** June 27, 2025

**Docket:** LA23026

**Type:** Planning Appeal

**INDEXED AS:** Pitre v. City of Summerside  
2025 PEIRAC 29 (CanLII)

**Order No:** LA25-03

**BETWEEN:**

Randy Pitre

**Appellant**

**AND:**

City of Summerside

**Respondent**

Strategic Holdings Inc.

**Developer**

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## ORDER

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Panel Members:

Pamela Williams, K.C, Chair  
Cynthia McCardle, Commissioner  
Murray MacPherson, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk  
Island Regulatory and Appeals Commission

## **Appearances – Written Hearing**

**1. For the Appellant, Randy Pitre:**

Randy Pitre

**2. For the Respondent, City of Summerside:**

**Counsel:**

Iain McCarvill

**3. For the Developer, Strategic Holdings Inc.:**

**Counsel:**

Andrew Campbell, K.C.

## 1. INTRODUCTION

1. The appeal, being Docket LA23026, relates to decisions of the City of Summerside, made October 19, 2023, to:
  - i. Approve a preliminary site plan approval (#2023-10-0356) for a 59-unit apartment development located at 678 Water St. East (PID #72421) in Summerside, Prince Edward Island (the “Property”).
  - ii. Issue a Partial Building Permit (#2023-9-0332) to Strategic Holdings Inc. approving the “foundation only” for the 59-unit apartment development at the Property.
2. This Order relates only to the Appellant’s appeal of the Partial Building Permit.

## 2. BACKGROUND

3. The Appellant filed his Notice of Appeal with the Commission on October 30, 2023.
4. Upon review of the Notice of Appeal, Commission Staff requested that the City of Summerside provide the Commission with copies of the permits being appealed.
5. On November 8, 2023, Counsel for the City of Summerside provided the Commission with a copy of the Partial Building Permit and requested that the appeal be dismissed on the basis of the Commission’s decision in Order LA22-02, *Clare Fagan v. City of Summerside*, where the Commission found that appeals for building permits have not been assigned to the Commission by the Legislature in section 28(1.1) of the *Planning Act*.
6. The Appellant responded in writing on November 9, 2023. His position is that the decision to issue the Partial Building Permit relates directly to a previous denial of the City of Summerside “just months earlier” relating to the same Property.
7. In a letter dated November 15, 2023, the City of Summerside reiterated their original position with respect to the Partial Building Permit.
8. The Appellant provided further written submissions in response (totaling four pages) on December 4, 2023. In those submissions, he argues that a development permit is required before a building permit can be issued, and that, in this case, the Partial Building Permit was issued prior to any development permit.
9. In a letter dated December 27, 2023, the Developer took the position that the Commission does not have statutory jurisdiction to hear and determine any appeal related to a building permit.
10. The Appellant responded to the Developer’s letter on January 2, 2024.

### 3. DISPOSITION

11. The appeal of the Partial Building Permit is dismissed. The Commission has exercised its authority to control its own process and dismisses this appeal without a hearing.<sup>1</sup>
12. As previously found by the Commission in Order LA22-02, *Clare Fagan v. City of Summerside*, a decision by a municipality to issue a building permit is not subject to appeal to the Commission. Order LA22-02 remains good authority on this question and the findings therein continue to apply.
13. In particular, Order LA22-02 comments that subsection 28 (1.1) of the *Planning Act* list the municipal decisions that may be appealed to the Commission. One of those appealable decisions is a development permit. However, subsection 1(e.1) of the *Planning Act* expressly states that building permits issued under the *Building Codes Act* are excluded from the definition of “development permit”. The Commission goes on to conclude that it has no statutory jurisdiction to hear and determine any appeal in relation to a building permit.
14. In this case, the issues the Appellant raised in respect of the Partial Building Permit relate to the proper issuance of a building permit, and the Commission does not have statutory jurisdiction to hear matters relating to building permits. There is a separate and distinct statutory appeal process under sections 24 and 25 of the *Building Codes Act*, RSPEI 1988, B-5.1, for a person aggrieved by a decision in respect of a building permit.
15. For these reasons, the Commission dismisses the appeal in respect of the Partial Building Permit. For clarity, the appeal before the Commission in Docket LA23026 will be limited to the decision of the City of Summerside to approve the preliminary site plan approval.

### IT IS ORDERED THAT

1. The appeal of the Partial Building Permit is dismissed.
2. For clarity, Docket LA23026 is limited to the decision of the City of Summerside to approve the preliminary site plan approval.

**DATED** at Charlottetown, Prince Edward Island, June 27, 2025.

### BY THE COMMISSION:

[sgd. Pamela J. Williams, K.C.]  
Pamela J. Williams, K.C., Chair

[sgd. Cynthia McCardle]  
Cynthia McCardle, Commissioner

[sgd. Murray MacPherson]  
Murray MacPherson, Commissioner

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<sup>1</sup> See, for example, *Bremsak v. PIPSC*, 2012 FCA 91, at para 22.

## 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.