



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

**Date Issued:** June 27, 2025  
**Dockets:** LA23010, LA23023,  
LA23026  
**Type:** Planning Act Appeals

**INDEXED AS:** Pitre v. City of Summerside

**Order No:** LA25-04

**BETWEEN:**

Randy Pitre

**Appellant**

**AND:**

City of Summerside

**Respondent**

Strategic Holdings Inc.

**Developer**

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## DIRECTION REGARDING PROCEDURE

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Panel Members:

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk

Island Regulatory and Appeals Commission

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

## IN THE MATTER OF:

**Docket LA23010**

Filed April 24, 2023

**Docket LA23023**

Filed October 6, 2023

**Docket LA23026**

Filed October 30, 2023

### 1. BACKGROUND

1. This Procedural Direction is made in respect of appeal dockets: LA23010, LA23023, LA23026 (the “Appeals”).
2. The Commission exercised its discretion to consolidate these dockets in accordance with Rule 36 of the Commission’s Rules of Practice and Procedure.
3. Given the nature of these Appeals, and the volume of material that is currently before the Commission in respect of the Appeals, the Commission has determined that it is in the best interest of all parties that the Appeals proceed to an oral hearing. To ensure the Appeals proceed in an orderly and timely manner that is fair, the Commission issues this Direction Regarding Procedure.
4. Under separate letter, dated June 27, 2025, the Commission has also provided a letter to the parties in respect of a Notice of Appeal received from the Appellant on July 8, 2024 (the “July 2024 Notice of Appeal”). That letter directs the Appellant to provide additional information in respect of the July 2024 Notice of Appeal and invites the Respondent and Developer to respond. Upon receipt of those submissions, the Commission will provide further direction to the parties in respect of the July 2024 Notice of Appeal, including a determination of whether that matter will proceed.

#### A. Docket LA23010

5. The appeal that is the subject of Docket LA23010 was filed on April 24, 2023. It appeals an April 4, 2023, decision of the City of Summerside, in relation to an application from Strategic Holdings Inc. (the Developer) to approve an Official Plan amendment and Zoning amendments for PID# 1118009 located at 690 Water Street in Summerside, Prince Edward Island. The approval amended the future land use plan and the zoning of the property from commercial land to high-density residential land.
6. The Notice of Appeal did not disclose any grounds of appeal based in planning principles, or the City’s Official Plan and/or Zoning Bylaw, but instead raised issues that appeared to be outside the jurisdiction of the Commission per section 28 of the *Planning Act*, RSPEI 1988. P-8.
7. On April 25, 2023, the Commission invited written submissions from all parties on the question of the Commission’s jurisdiction as it related to the Appellant’s grounds of appeal. Upon receipt and review of the initial written submissions by the parties, the Commission determined that the preliminary issue of the Commission’s jurisdiction would be decided without an oral hearing, pursuant to Rule 41 of the Commission’s Rules of Practice and Procedure.

8. On June 29, 2023, the parties were given notice of the Commission's intention to hear the preliminary matter in writing and the parties were given an opportunity to provide substantive written submissions.
9. On July 19, 2023, the Appellant provided additional submissions, along with six attachments totaling 34 pages.
10. On July 24, 2023, the City of Summerside advised that they would not be making any additional submissions beyond those provided on May 12, 2023.
11. On July 25, 2023, the Developer made brief submissions.
12. Finally, on July 28, 2023, the Appellant provided reply submissions consisting of written submissions and nine attachments, totalling 28 pages.

#### **B. Dockets LA23023 and LA23026**

13. The appeal that is the subject of Docket LA23023 was filed on October 6, 2023. It appeals a decision of the City of Summerside dated September 18, 2023, to approve two zoning amendments and a preliminary approval for a major subdivision. The decisions approved a rezoning of the Subject Properties to High Density Residential (R4) to permit development of apartments and row housing, and approved a subdivision over a portion of PID 72421.
14. The appeal that is the subject of Docket LA23026 was filed on October 30, 2023. This appeal is comprised of two notices of appeal:
  - i) One is with respect to a preliminary site plan approval (#2023-10-0356) approved on October 19, 2023, for a 59-unit apartment development at 678 Water Street East (PID 72421).
  - ii) The other is with respect to a Partial Building Permit (#2023-9-0332) to Strategic Holdings Inc. approving the "foundation only" for the 59-unit apartment development at the Property.
15. With respect to the Preliminary Subdivision approval and two Zoning Amendments (Docket LR23023) and the Site Plan approval (Docket LR23026), the Commission advised the parties in writing on June 17, 2024, of its determination that those matters could be dealt with by way of a hearing in writing pursuant to Rule 41 of the Commission's Rules of Practice and Procedure.
16. On June 17, 2024, the parties were invited to provide additional submissions, supplementing those that had already been submitted. The parties were advised that in accordance with Rule 41.2.(b) of the Commission's Rules of Practice and Procedure, upon review of the written submissions the Commission may either make a final determination of the matter without an oral hearing, or proceed to an oral hearing.
17. Regarding the appeal of the Partial Building Permit in Docket LA23026, the City of Summerside requested that the appeal be dismissed in respect of the Partial Building Permit on the basis that the Commission lacks jurisdiction to hear appeals of building permits. Each of the parties provided written submissions in respect of this jurisdictional issue. On June 17,

2024, the parties were advised in writing that the Commission would issue an order in respect of the jurisdictional issue with the Partial Building Permit appeal. Concurrent with this Direction Regarding Procedure, the Commission has issued Order LA25-03 in respect of the Partial Building Permit.

### **C. City's Motion**

18. On December 9, 2024, the City of Summerside made a motion for an order raising a jurisdictional issue that the Appellant is not considered a "dissatisfied person" per the (former) language of section 28(1.1) of the *Planning Act*, and therefore, has no standing to bring these appeals (the "City's Motion").
19. On January 2, 2025, the Developer provided an initial submission in response to the City's Motion.
20. The Appellant was invited to respond to the City's Motion by February 3, 2025.
21. The Appellant has not made substantive submissions in response to the City's Motion as of the date of this Direction Regarding Procedure. However, the Appellant did advise the Commission and parties via email of January 27, 2025, of his position that there is no requirement for the Commission to hear the City's Motion because of his intention to bring a court proceeding in respect of allegations of conflict of interest regarding the Respondent's legal counsel.

## **2. EXHIBIT BOOKS**

22. The Commission has prepared two Exhibit Books in respect of the Appeals (collectively referred to as the "Exhibit Books").
23. The first Exhibit Book relates solely to Docket LA23010 ("Exhibit Book 1"). It totals 15 tabs, and 203 pages. Exhibit Book 1 is comprised of (including, but not limited to): the Notice of Appeal for Docket LA23010, correspondence from the Commission to the parties, and the parties' written submissions.
24. The second Exhibit Book relates to both Docket LA20323 and LA23026 ("Exhibit Book 2"). Exhibit Book 2 totals 80 tabs and 1,885 pages, and is comprised of (including, but not limited to):
  - i) The Notices of Appeal and accompanying material for Dockets LA23023 and LA23026;
  - ii) The Appeal Record of the City of Summerside in respect of Docket LA23023;
  - iii) The Appeal Record of the City of Summerside in respect of Docket LA23026;
  - iv) The Supplementary Appeal Record of the City of Summerside in respect of Docket LA23026;
  - v) Written submissions, of various dates, from all parties in respect of both Dockets LA23023 and LA23026;

- vi) Written correspondence, of various dates, between the parties and Commission Staff in respect of both Dockets LA23023 and LA23026; and
- vii) The City's Motion and related correspondence received to date.

### 3. PROCEDURAL DIRECTION

25. To ensure these Appeals proceed in an orderly and timely manner that is fair, the Commission issues the following Procedural Direction.

26. In respect of the City's Motion:

- i. The Respondent shall perfect their motion by **Monday, July 21, 2025, at 4:00 p.m.**
- ii. The Appellant and Developer may each respond to the City's Motion by **Friday, August 1, 2025, at 4:00 p.m.**
- iii. In accordance with Rule 41 of the Commission's Rules of Practice and Procedure, the Commission will determine the City's Motion without an oral hearing.
- iv. The Commission's determination on the City's Motion will be made no later than **Friday, August 8, 2025, at 4:00 p.m.**

27. The Commission recognizes that the outcome of the City's Motion may impact the balance of issues in these Appeals that will proceed. In any event, in the interest of efficiency, the Commission directs as follows:

- i. The Commission exercises its discretion to conduct a hearing in person to hear these Appeals in accordance with Rule 40 of the Commission's Rules of Practice and Procedure (the "Hearing").
- ii. The Hearing will be held on **Wednesday, September 10, 2025**, commencing at **9:30 a.m.**
- iii. In addition to any material filed with the Commission in accordance with the deadlines set out at paragraphs 27 through 29 below, the Hearing Panel will consider the submissions and evidence of the parties already submitted and included in the Exhibit Books, referenced above, which have been circulated electronically by the Commission to the parties along with this Procedural Direction.

28. The following deadlines apply to the Hearing:

Any further supplementary documents or additions to the Respondent's Record must be filed with the Commission and served on the other parties ("Filed and Served") **by Wednesday, August 13, 2025, at 4:00 p.m.**

- i. If the Appellant intends to call an expert to give evidence, then the Appellants 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 **Monday, August 18, 2025, 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.

- ii. 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 **Wednesday, August 20, 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
- iii. Any amendments to the Notice of Appeal must be filed not later than **Friday, August 22, at 4:00 p.m.** and shall fully comply with the requirements set out in Rule 27.
- iv. All witness lists and 'will-say' statements must be filed by all parties on or before **Monday, August 25, at 4:00 p.m.** No additional witnesses will be permitted to be called at the hearing after this deadline.
- v. The Appellant may prepare any further written submission addressing the grounds for the appeal and the reasons that the decisions should be overturned and it must be filed and served on or before **Wednesday, August 27, at 4:00 p.m.**
- vi. The Respondent, Developer and Intervener may file written submissions in response and they must be filed and served on or before **Wednesday, September 3, at 4:00 p.m.**
- vii. Any miscellaneous documents or exhibits not previously referred to shall be filed and served not later than **Wednesday, September 3, at 4:00 p.m.**
- viii. In the event that an expert witness elects to testify via Zoom audio and video, the Commission must be advised not later than **Friday, September 5, at 4:00 p.m.**

29. Subject to the directions and deadlines outlined herein, the Commission's Rules of Practice and Procedure shall apply to this Hearing.

**30. The direction and deadlines set out in this Procedural Direction are final and will not be extended.**

**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

