



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

**Date Issued:** August 8, 2025

**Docket:** --

**Type:** Planning Appeal

**INDEXED AS:** Pitre v. City of Summerside  
2025 PEIRAC 38 (CanLII)

**Order No: LA25-05**

**BETWEEN:**

Randy Pitre

**AND:**

City of Summerside

Strategic Holdings Inc.

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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.) Kerri Dowling

Executive Assistant

Island Regulatory and Appeals Commission

## **1. INTRODUCTION**

1. This Order is made in respect of a Notice of Appeal delivered to the Commission Randy Pitre on Monday, July 8, 2024. By way of this Order, the Commission declines to accept the Notice of Appeal for filing.

## **2. BACKGROUND**

2. On Monday, July 8, 2024, Randy Pitre personally delivered to the Island Regulatory and Appeals Commission a Notice of Appeal and accompanying materials, dated July 6, 2024, in respect of various decisions made by the City of Summerside relating to 591 Read Drive, PID#756825 (the "July 2024 Notice of Appeal").
3. The July 2024 Notice of Appeal relates to:
  - Three (3) building permits (foundations);
  - Three (3) new 12-unit apartment buildings (building permits);
  - Preliminary site plan approval for 3 12-unit apartments; and
  - Major subdivision – 2 lots
4. By letter dated July 11, 2024, from Commission staff, Mr. Pitre was advised that the appeals in respect of building permits issued by the City of Summerside would not be accepted by the Commission because the Commission does not have jurisdiction to hear an appeal of a building permit.
5. With respect to the decisions of the City of Summerside to approve a Preliminary Site Plan and Major Subdivision, the July 2024 Notice of Appeal states the grounds of appeal are:

That I "Randy Pitre/The Little Poultry Company Inc. have been and are "Aggrieved Persons" Pursuant to section 27.1 (e) (d) which have been "Seriously & adversely affected" by this Developer. "Nathan Kember" is operating illegally "Numerous Non-Registered" operations and Trade-Names and also hiding behind Numbered Companies to commit and Defraud Appellants & Others"

6. As relief, Mr. Pitre seeks:

That all Development and Permits be completely "Paused" & "froze" until a "Full & Proper Investigation" is conducted of "Derek Key" & "Justice Keys" [sic] involvement with this Developer, as well as Wilco Realty Ltd, Canyon Management Inc., 102454 P.E.I. Inc., 662584-3 Inc., Les Bluets Gagne/Gagnes Blueberries Inc.

7. The material attached to the July 2024 Notice of Appeal consists of information related to various corporations registered in the PEI Corporate Registry.
8. Therefore, by letter dated July 11, 2024, from Commission staff advised Mr. Pitre that the July 2024 Notice of Appeal and supporting material did not disclose any grounds or relief based in planning principles or the Commission's statutory jurisdiction. The letter requested that Mr. Pitre provide a written response further particularizing the grounds of appeal and relief sought, and clarifying how the appeals of the Preliminary Site Plan approval and Major Subdivision

approval fall within the Commission's statutory authority to hear and decide appeals under the *Planning Act*.

9. Commission staff made two further requests of Mr. Pitre to provide these particulars: (1) via email on July 17, 2024, and (2) via email on July 24, 2024.
10. Commission staff's email of July 24, 2024, gave clear notice that failure to provide more information and particularized grounds of appeal within the deadline could result in the Commission refusing to accept the July 2024 Notice of Appeal or dismissing the appeal without a hearing.
11. Mr. Pitre did not provide the particulars requested in respect of the July 2024 Notice of Appeal. The Commission has had no further communication with Mr. Pitre in respect of the July 2024 Notice of Appeal since July 24, 2024, and due to its own oversight, did not advise the parties with respect to how the July 2024 Notice of Appeal would proceed.
12. Therefore, on June 27, 2025, via letter from Commission staff, Mr. Pitre was once again given an opportunity to provide a written response further particularizing the grounds of appeal and relief sought, and clarifying how the appeals of the Preliminary Site Plan approval and Major Subdivision approval fall within the Commission's statutory authority to hear and decide appeals under the *Planning Act*. The letter set a deadline of Wednesday, July 16, 2025.
13. As of the writing of this order, Mr. Pitre has not provided any additional information or particularized grounds of appeal respecting the July 2024 Notice of Appeal.

### 3. DISPOSITION

14. The Commission declines to accept the July 2024 Notice of Appeal for filing on the basis that the grounds for appeal and relief sought have no obvious connection to the Commission's statutory authority to hear and decide appeals under the *Planning Act*.
15. The *Planning Act* and the Commission's Rules of Practice and Procedure require a notice of appeal to include the grounds for appeal:

***Planning Act*, RSPEI 1988, P-8, subsection 28(5)**

**Notice**

- 28 (5) A notice of appeal to the Commission under subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.

**Commission's Rules of Practice and Procedure, section 12.3**

**12. Appeals**

[...]

3. A Notice of Appeal shall state:
  - a) the relief sought; and
  - b) the grounds of appeal

16. The Commission is an administrative body created by statute and it does not have inherent jurisdiction. In the context of appeals pursuant to the *Planning Act*, the Commission is authorized by the *Island Regulatory and Appeals Commission Act* to hear and decide matters relating to land use, and by the *Planning Act* to hear appeals of certain specific decisions of

planning authorities. The Commission is not vested with any authority to conduct investigations into or adjudicate the grounds of appeal raised in the July 2024 Notice of Appeal, nor is the Commission authorized to grant any of the relief sought.

17. On four occasions, the Commission requested Mr. Pitre to provide additional information explaining how the grounds of appeal fall within the Commission's statutory jurisdiction. It is now more than one year after receiving the July 2024 Notice of Appeal and Mr. Pitre has not provided any substantive response to the Commission's requests.
18. As an administrative tribunal, the Commission has the implied authority to control its own process and, where appropriate, take steps to uphold its jurisdiction and processes. As previously commented by the Commission in Order LA22-03, the Commission must guard against hearing and deciding issues that fall within the authority or jurisdiction of another decision-maker.<sup>1</sup>
19. In essence, Mr. Pitre's July 2024 Notice of Appeal is asking the Commission to do something it cannot do. Therefore, the Commission has exercised its discretion over its own process to decline to accept the July 2024 Notice of Appeal on the basis that:
  - (1) it does not disclose any grounds that fall within the Commission's limited statutory jurisdiction;
  - (2) it does not seek any relief that the Commission is authorized to grant; and
  - (3) Mr. Pitre has not responded to the Commission's repeated requests to provide additional information explaining how the appeal falls within the Commission's jurisdiction.

## **IT IS ORDERED THAT**

1. **The Commission declines to accept the Notice of Appeal and accompanying materials delivered by Randy Pitre on July 8, 2024, in respect of various decisions made by the City of Summerside relating to 591 Read Drive, PID#756825.**

**DATED** at Charlottetown, Prince Edward Island, August 8, 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> Order LA22-03, at para 15.

## 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.