



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: July 15, 2026
Docket: LA25004
Type: Request for Review

INDEXED AS: Charlie Hicken v. Town of Three Rivers
2026 PEIRAC 44 (CanLII)

Order No: LA26-10

BETWEEN:

Charlie Hicken

Appellant

AND:

Town of Three Rivers

Respondent

Great Wisdom Buddhist Institute

Developer

REQUEST FOR REVIEW OF ORDER LA26-03

Panel Members:

Gordon MacFarlane, Commissioner
Murray MacPherson, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk
Island Regulatory and Appeals Commission

1. INTRODUCTION

1. This Order relates to a written request for review received from the Appellant, Charlie Hicken, in respect of Order LA26-03, issued by the Commission on March 10, 2026.
2. For the reasons that follow, the Appellant's request for review is denied.

2. BACKGROUND

3. On March 10, 2026, the Commission issued Order LA26-03, which denied the Appellant's appeal of the decision of the Town of Three Rivers to approve a development permit for Great Wisdom Buddhist Institute (the Developer) at 805 Brudenell Point Rd., Montague.
4. The Commission denied the Appellant's appeal on the basis that the Commission found the Appellant was not an "aggrieved person" as defined in the *Planning Act* and, therefore, the Commission lacked the jurisdiction to hear the appeal.
5. On June 15, 2026, the Commission received a formal request from the Appellant to review, vary or rescind Order LA26-03 pursuant to section 12 of the *Island Regulatory and Appeals Commission Act*.¹
6. The Respondent, Town of Three Rivers, provided a response to the request on June 17, 2026.
7. The Developer did not provide submissions.

3. ISSUES

8. The question for the Commission on this Request for Review is whether it should exercise its discretion to review, rescind or vary Order LA26-03.

4. ANALYSIS

9. The Appellant's request for review is pursuant to section 12 of the *Island Regulatory and Appeals Commission Act*.² That section states:

12. Review, etc. of decisions

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.

10. The Commission has previously considered requests for a review of its decisions and commented on the "test" to be applied. In [Order LA97-11, Request by Keir & Marion Clark for a Review of Order LA97-08 \(Aug 27, 1997\)](#), the Commission stated (Chair, Linda Webber):

The Commission and its predecessor, the Prince Edward Island Public Utilities Commission, have considered in the past the minimum criteria an Applicant

¹ RSPEI 1988, I-11, s. 12.

² RSPEI 1988, I-11, s. 12.

must meet before the Commission will exercise its absolute discretion in the matter of reviewing its decisions under s.12 of the Island Regulatory and Appeals Commission Act, and the identical predecessor to s.12, s.16 of the Public Utilities Commission Act. This test has been interpreted consistently by the Commission in its past decisions.

*As noted in previous decisions, **the onus rests upon the Applicant to show that a prima facie case exists which will entitle the Applicant to the review.** A prima facie case will be shown only where the function of review should be exercised **to correct an error of the Commission or to meet changed circumstances.***

*Changed circumstances may encompass either **a situation which has developed after the decision or where new evidence emerges which was not known or not available at the time the original evidence was adduced.** Changed circumstances will dictate a review **only if they are material.***

*Finally, the power to review is **discretionary** and will be exercised **sparingly.***
[emphasis added]

11. This test has continued to be interpreted by the Commission in subsequent orders³ and this Commission is satisfied that the test remains good authority on this question and the principles contained therein continue to apply.

12. In this case, the Appellant's request for review made the following submissions:

- i) First, he submits that while the subject property for the development is 4.1 miles away, the environmental and geopolitical realities of the area means that the impact of this development is "direct, particular and significant" to his land. He says pollution does not travel via highway routes, but rather through direct environmental pathways.
- ii) Next, he says the proposed development will adversely affect his property in the following ways (paraphrased):
 - i. A long-term threat to groundwater quality and quantity, which could cause permanent damage to his property's utility over time;
 - ii. Air pollution from the site would reach his property in approximately five minutes during a standard 20mph wind;
 - iii. Any pollutants entering the Brudenell River (which is nearby the subject property) would reach his private shoreline in approximately four hours;
 - iv. The significant population increase from this development threatens local food security, directly impacting his ability to maintain his existence on his property;

³ See, for example: [Order LA24-09](#) and [Order LA24-10](#).

- v. Adding dormitory occupants will further increase wait times for primary and emergency care; and
 - vi. Adding this high-density development exacerbates the existing strain on the electricity grid, threatening the consistent power required for the enjoyment of his home.
- iii) Finally, as a property owner within the Town of Three Rivers, he submits he has a direct interest in the consistent application of the Town's planning documents, and the decision appealed represents a failure to follow established planning principles intended to protect the character and utility of his neighbourhood.
13. On the Commission's review of the Appellant's grounds for review, the Commission finds that the Appellant has not met the test for a request for review. The submissions of the Appellant do not demonstrate that there is an error in Order LA26-03 or changed circumstances material to the outcome that warrant a review of Order LA26-03.
14. Rather, the Appellant's submissions appear to be an attempt to relitigate the matter of his standing as an aggrieved person, and it was open to the Appellant to make these same submissions at the time the preliminary matter was first adjudicated by the Commission.
15. The Commission also wishes to note here that the Appellant has not provided any evidence, objective or otherwise, to support the assertions raised in this request for review about the alleged adverse impact to his property as a result of the subject development. This was also the case in the Appellant's initial submissions in Order LA26-03.
16. In conclusion, the Appellant has not satisfied the Commission that there is an error in Order LA26-03, nor are there changed circumstances material to the outcome, that warrant a review of Order LA26-03. Instead, the Commission is of the opinion that the arguments raised by the Appellant in this Request for Review are matters that could have been raised in submissions by the Appellant when the matter of his standing was first adjudicated by the Commission.
17. The Commission finds that the Appellant has not met the required test for a request for review. Accordingly, the Commission denies the request.

5. CONCLUSION

18. The request for review of Order LA26-03 is denied.
19. The Commission thanks the parties for their submissions in this matter.

IT IS ORDERED THAT

1. The request for review of Order LA26-03 is denied.

DATED at Charlottetown, Prince Edward Island, July 15, 2026.

BY THE COMMISSION:

[sgd. Gordon MacFarlane]

Gordon MacFarlane, Commissioner

[sgd. Murray MacPherson]

Murray MacPherson, Commissioner

NOTICE

Sections 13(1) and 13(2) of the ***Island Regulatory and Appeals Commission 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.