



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Date Issued: July 16, 2026
Docket: LA26007
Type: Planning Appeal

INDEXED AS: Chandler v. City of Charlottetown
2026 PEIRAC 45 (CanLII)

Order No: LA26-11

BETWEEN:

Jonathan Chandler

Appellant

AND:

City of Charlottetown

Respondent

Star Homes & Construction Inc.

Developer

ORDER

Panel Members:

Pamela J. Williams, K.C., Chair
Gordon MacFarlane, Commissioner

Compared and Certified a True Copy

(Sgd.) Michelle Walsh-Doucette

Commission Clerk
Island Regulatory and Appeals Commission

ORDER:

1. On June 19, 2026, the Commission received a Notice of Appeal from Jonathan Chandler dated June 19, 2026. The Notice of Appeal was in respect of a decision of the City of Charlottetown to issue an occupancy permit to the Developer, Star Homes & Construction Inc. in respect of PID 1114354, located at 39-41 MacWilliams Road, Charlottetown, PE (the “Decision”). The Notice of Appeal included a copy of the City of Charlottetown’s weekly permit summary which indicated the Decision was made May 27, 2026; however, the Notice of Appeal also indicated notice of the Decision was not posted on the City’s website until June 18, 2026.
2. Given that the Decision was made May 27, 2026, it appeared the Notice of Appeal may have been filed outside the statutory timeline prescribed by the *Planning Act*, RSPEI 1988, P-8. Subsection 28(1.3) of the *Planning Act* provides that a notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.
3. Therefore, as a preliminary matter, the Commission requested the City of Charlottetown provide details around posting notice of the Decision. Counsel for the City provided a response via letter dated June 29, 2026, stating that:
 - i. The Decision was made May 27, 2026;
 - ii. The initial permit summary was posted to the City’s public website on June 17, 2026; and
 - iii. A revised permit summary was posted on June 18, 2026.
4. Section 23.1 of the *Planning Act* requires a planning authority to post public notice of planning decisions “within seven days of the date the decision is made”. In this case, the City did not post notice of the Decision until June 17, 2026 – twenty-one days after the Decision was made. Therefore, the Commission finds the City did not comply with the statutory requirements in the *Planning Act* to give notice of the Decision within seven days.
5. In *Booth and Peake v. Island Regulatory and Appeals Commission*, 2004 PESCAD 18, the Prince Edward Island Court of Appeal ruled that the appeal period pursuant to section 28 of the *Planning Act* begins to run when an appellant has received notice of the decision, whether through actual notice or general notice through a public posting process.
6. In the present case, the Appellant filed the Notice of Appeal with the Commission within two days of the City posting notice of the Decision.
7. In the circumstances, the Commission accepts that the Notice of Appeal was filed within the statutory timeline prescribed in the *Planning Act*. The Commission recently made a similar finding in Order LA26-08, where the Commission accepted jurisdiction over an appeal on the basis that the City failed to give notice of the decision within seven days as prescribed by section 23.1 of the *Planning Act*.

IT IS ORDERED THAT

1. The Commission finds that because the City of Charlottetown did not comply with section 23.1 of the *Planning Act*, the Notice of Appeal was filed within the statutory timeline prescribed in the *Planning Act*.

DATED at Charlottetown, Prince Edward Island, July 16, 2026.

BY THE COMMISSION:

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

[sgd. Gordon MacFarlane]
Gordon MacFarlane, Commissioner

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.

