



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Docket: PD527  
Order: PC23-005

IN THE MATTER of an application by D.P. Murphy Inc. for a retail petroleum outlet license in Borden-Carleton, Prince Edward Island, pursuant to section 20 of the *Petroleum Products Act*, RSPEI 1988, c. P-5.1.

# Procedural Order

Compared and Certified a True  
Copy

Allison MacEwen  
Director, Regulatory Services

BEFORE THE COMMISSION ON Thursday, the 28<sup>th</sup> day of September, 2023.

J. Scott MacKenzie, K.C., Chair  
M. Douglas Clow, Vice-Chair

## **BACKGROUND:**

1. On June 27, 2023, D.P. Murphy Inc. (the “Applicant”) filed an application with the Commission for a retail petroleum outlet license (the “Application”). The proposed retail petroleum outlet would be located at the corner of the Trans-Canada Highway and Dickie Road in Borden-Carleton, Prince Edward Island.
2. The Application stated that a *“development permit application is being submitted concurrently to the Town of Borden-Carleton and the Applicant hopes to commence construction later this year”*.<sup>1</sup>
3. The Applicant has since advised that the development permit application was submitted to the Town of Borden-Carleton (the “Town”) on August 11, 2023. As of August 23, 2023, the Town had not begun its review of the development permit application.
4. A license for a retail petroleum outlet is site-specific. This means that, in addition to a license from the Commission, the Applicant must also obtain the requisite building and/or development permits from the Town.
5. The Commission’s Application for Retail Petroleum Outlet License – New Retail Outlet expressly states that, before a retail petroleum outlet license will be issued, the applicant must file (among other things) *“a copy of the building permit or approval in principle from the authority having jurisdiction”*.
6. In the present Application, the Applicant has not filed a copy of the development permit or approval in principle for the retail petroleum outlet from the Town. Without, at a minimum, approval in principle for the development, the Application for a site-specific retail petroleum outlet is moot.
7. On August 28, 2023, the Commission advised the Applicant that it intended to issue a Procedural Order holding the Application in abeyance pending receipt of all requisite permits from the Town to allow the development to proceed.<sup>2</sup>
8. Before issuing this Procedural Order, the Applicant was given the opportunity to comment on the Commission’s intended approach. The Applicant advised that it did not object and would work with the Commission’s intended approach.

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<sup>1</sup> Exhibit A-1 at page 4

<sup>2</sup> Exhibit C-1

**PROCEDURAL ORDER:**

The Commission orders as follows:

1. This Application shall be held in abeyance until the Applicant, D.P. Murphy Inc., files either a copy of the development permit or an approval in principle for the Applicant's development issued by the Town.

**DATED** at Charlottetown, Prince Edward Island, this 28<sup>th</sup> day of September, 2023.

**BY THE COMMISSION:**

*(sgd. J. Scott MacKenzie, K.C.)*

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J. Scott MacKenzie, K.C., Chair

*(sgd.) M. Douglas Clow*

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M. Douglas Clow, Vice-Chair