

Via email and mail

May 12, 2023

File No.: 15042-254dk

The Island Regulatory and Appeals Commission
National Bank Tower
Suite 501, 134 Kent Street
PO Box 577
Charlottetown, PE C1A 7L1

Attention: Philip Rafuse, Appeals Administrator

Dear Mr. Rafuse:

**Re: City of Summerside/Strategic Holdings Inc. – Randy Pitre Notice of Appeal
PID No. 1118009 – 690 Water Street, Summerside, PE
Appeal No. LA23010**

We have reviewed the Notice of Appeal pursuant to Section 28 of the *Planning Act* as submitted by Randy Pitre and being with respect to a Decision to amend the Official Plan and Zoning Amendment based upon an Application made to the City by Strategic Holdings Inc. for property number 1118009 and being 690 Water Street having reference Nos. 2023-3 0036 and 2023-3 0037.

We have been asked to respond to this Appeal on behalf of the City of Summerside and we would therefore ask that you consider our comments to be from the City of Summerside being a Respondent in this instance.

The jurisdiction of the Prince Edward Island Regulatory and Appeals Commission (the Commission) is established and limited by the provisions of its enabling legislation.

In the same way, the City of Summerside has authority and jurisdiction over those things established within the *Municipal Government Act*, the City's Official Plan and its Bylaws. Unless established to the contrary in some other enabling provision, the City of Summerside has no specific authority to inquire as to the corporate status, compliance with the Applicant's tax obligations, current status under the Human Rights Commission, offences under the *Employment Standards Act*, or any other extraneous provisions that may govern the behaviour or obligations of an Applicant.

The City relies upon each Applicant to provide the information needed in its Application to allow the City of assess the Application in accordance with its statutory authority.

In the same way as the Island Regulatory and Appeals Commission, the City has no authority to increase or expand its jurisdiction as created by its enabling legislation.

Based upon the evidence provided to it, subject to what otherwise may be in the public realm and of relevance to the issue at hand, the City considers the Application and renders its Decision based exclusively upon the parameters of the legislative authority granted to it.

In considering the Appeal presented to the Commission, the City's position is that the Appeal sets out no grounds that are found to fall within the jurisdiction of the Commission, nor of the City.

Thank you for the opportunity to comment at this stage of the proceedings.

Yours very truly,



Derek D. Key, K.C.

DDK/akm