

April 10, 2022

**VIA EMAIL**

Philip J. Rafuse  
Appeals Administrator  
Island Regulatory and Appeals Commission

RE: Fagan vs. City of Summerside  
IRAC Appeal Docket No. LA21025  
“Will-Say Statement” Xiaomeng Xu

I, Xiaomeng Xu, testify that as the owner of 186 Putters Street in Summerside, I have never been contacted or notified by the City of Summerside regarding any rezoning inquiry, information collection and/or decision-making whatsoever of the area where my property is located on. As one of the most affected parties to rezoning the area to high-density residential area, I believe that based on the principle of procedural fairness, I should be given an opportunity to express my objection and comment. Without following the principle of procedural fairness, there is a flaw in the entire decision-making process, and I therefore support Clare Fagan's appeal on the decision.

I have been practicing law in another jurisdiction for more than two decades and I am currently a full-time student at Osgoode Hall Law School of York University. I consider this matter a serious violation on procedural fairness.

**1. Procedural fairness on rezoning decision.**

Interestingly, in accordance with the news article as I mentioned below (See Exhibit I), as cited below:

*“The city solicited feedback from the neighbourhood, including running an ad in the newspaper and delivering letters to the neighbours on the Summerside of the boundary, but received no public comments.”*

None of any homebuyers in this high-density area has ever been notified to have their say. A decision made by the City where the mostly influenced and impacted residents have not been given a chance to express their comments reveals an issue of procedural fairness, and if that is the due procedure, it may be a high time to review the procedure and overturn the City's decision on the rezoning. All homebuyers bought these properties are for retirement homes and high-density residential area is exactly what we would like to avoid in selecting our retirement homes. It also costs dramatical value depreciation, which it is another reason why these homebuyers should have been given a chance to express their comments, or even objections in the first instance.

In conclusion, there are multiple **very serious issues involved in the current situation**, with these properties. We want to bring this matter to the City of Summerside & IRAC's attention as it does have a duty to provide procedural fairness to its tax paying citizen's, manage the city, and to maintain the wellbeing and safety, of every resident.

Last but not the least, I am proud to be a member of our international team, where members of this team are from everywhere, namely, from local, from another province in Canada and even from another country, who continue to fight for justice.

Xiaomeng Xu:

Date: 10 April 2022

### Exhibit I

A News Article regarding the Rezoning

PEI

## New Summerside street rezoned for higher density development



The new project could see up to 32 units built across 16 lots

Nicola MacLeod · CBC News · Posted: Jul 22, 2020 7:23 AM AT | Last Updated: July 22, 2020



The 16 lots in the application are in the city, but border on the community of Linkletter. (City of Summerside)

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Image credit: (Darryl Dyck/The Canadian Press)

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A new development on Putters Street in Summerside, P.E.I., is one step closer to being realized after a special meeting of council Tuesday evening.

Council met to discuss an application to have 16 lots rezoned to allow for row house, town housings and apartments. It unanimously voted to move the project along and refer it to the planning board.

"This is the first step in the process," said planning board chair Coun. Brian McFeely.

"We have a number of people moving into the city so we want to make sure that we have an inventory that allows them to acquire the accommodations they require."

The property is currently zoned as low-density mixed residential for single family, duplex and semi-detached dwellings. The application made by MacDuff Holdings would see the lots rezoned as high-density mixed residential, which means it can be developed commercially as apartments, row houses and townhouses.

## Raising housing supply to meet demand

"We have interest for triplexes and four-units," Robert Duffy of MacDuff told the council..

"The lots are very deep, so there is people wanting to purchase them for multi-unit developments,"

Duffy said a fourplex would be the largest development due to an agreement with the previous downer. Four-unit dwellings would require two lots.

**There is a procedural fairness issue if a public consultation is held but none of the mostly interested and related homebuyers were notified.**

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