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# Capital eyes court battle with IRAC

Councillor calls body that overturned trailer park decision a 'dinosaur'

WAYNE THIBODEAU  
The Guardian

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- Charlottetown Councillor David MacDonald attacks IRAC

The City of Charlottetown is prepared to go to court to defend its role as the supreme body in the capital city, arguing that a partisan, unelected commission should not be able to veto the decision of an elected council. In a passionate address to city council Monday night, Coun. David MacDonald called the Island Regulatory and Appeals Commission a "political dinosaur" that is not accountable to anybody. He said he's tired of the cavalier approach of the commission.

At the heart of the issue is the city's decision to deny the owner of the Idle Wheels trailer park approval to turn the trailer park into apartments. The city's decision was unanimous but the commission overruled that decision.

It means 19 homeowners will be looking for a new place to live.

MacDonald wants the P.E.I. government to suspend the commission's authority over city affairs.

"We took a decision after following our due process, we held public meetings, we listened to all the concerns, we took into consideration the planning board information, and we made the best decision we could based on the information we had available," MacDonald said during city council.

"There is absolutely no reason why the City of Charlottetown should be subject to the whims of a body with no accountability to the residents of the City of Charlottetown."

The trailer park is located on the corner of Allan Street and Mt. Edward Road.

Attorney General Gerard Greenan, who is responsible for the commission, could not be reached for comment late Monday. Charlottetown Mayor Clifford Lee said the city hasn't ruled out going to court to decide who is ultimately in charge of the city. He said the issue is much bigger than the Idle Wheels trailer park, adding the latest decision sets a dangerous precedent.

"Who is charged with the responsibility for planning and development of this city?" asked Lee in an interview with The Guardian.

"Either the job lies with the municipal government, who was elected, or it lies with a bunch of people sitting at IRAC that never sought election to the positions that they hold. They answer to nobody."

Coun. Mitchell Tweel echoed the city's frustrations, saying the whole role of the commission needs to be reviewed. He said he's surprised the same commissioners who heard the original case also heard the appeal.

"I question their objectivity, and I question whether or not it was a fair process," said Tweel.

"How can you have the same people hearing the same case twice? It doesn't happen down in the courts."

The Island Regulatory and Appeals Commission is already facing a review.

Beginning Thursday, P.E.I. MLAs will review the commission's role with regard to energy costs, including setting the price of gas, as well as rents.

Lee believes a court battle would be money well spent.

"Can we afford to simply walk away and say we're going to allow a group of unelected people to decide how this city is going to be developed and planned?"

wthibodeau@theguardian.pe.ca

10/03/09



## Comments:

This Conversation is Moderated. What is moderation?

**joe from pei writes:** Look, MacEachern owns the property, he can bloody well do what he wants with his property as long as he follows the guidelines set before him, imagine the council being angry with IRAC, very amusing.

Posted 10/03/2009 at 2:18 AM | [Alert an Editor](#) | [Link to comment](#)

**Buddy from P.E.I. writes:** Once again Attorney General Gerard Greenan, who is responsible for the commission, could not be reached for comment.

Is this the same guy who is hiding out from the media on the school closers.

This guy is no doubt the worst Minister in the Ghiz Govt.

Say nothing and hide that's the plan.

Its time that all these fat cats at IRAC and Greenan find new employment.

Posted 10/03/2009 at 6:09 AM | [Alert an Editor](#) | [Link to comment](#)

**pissed at irag from pei writes:** I think Irac is a joke...Just allowing other big corps to line their pockets with more cash.

Forget about us small people...just bowl us over and make room...All I see Irac does on the island is look after big corps.. We don't need them...over paid nothings... Just an opinion...no offense

Posted 10/03/2009 at 6:49 AM | [Alert an Editor](#) | [Link to comment](#)

**Common Sense from Charlottetown, PEI writes:** As much as I dislike IRAC they are right in this one. The developer followed the rules and the city changed them. That just sets us up for a court date that we will lose. After IRAC took the decision away from the city we will end up with two new apartment buildings and a dozen less old style trailers that no other community would want either. The developer owns the land so why should the city force him to run a trailer park with it.

Posted 10/03/2009 at 7:30 AM | [Alert an Editor](#) | [Link to comment](#)

**Don't believe the Hype from PE writes:** IRAC didn't decide how the land was going to be used. The decision was made by the city. The City did their Future Land Use Map. That map was approved by council and printed in the Royal Gazette. The city approved bylaws that dictate that when the zoning and Future Land Use Map conflict, the Map will be the one adhered to. The city's own planning board took this information into account and recommended approval of the rezoning. All IRAC did was make sure that council did not act on a whim, and followed its own procedures. If the city did not want to see these people displaced, they certainly dropped the ball on this one.

If the city feel so strongly, IRAC rendered a decision based on legislation. From what I have seen of the decision, they cited jurisprudence when rendering it. IRAC is delegated its authority through legislation. File a judicial review with the courts. My guess is, they will not do this as their lawyers have advised them they would lose and have to pay the court fees.

The tenants are renting the land. Even if the property owner wasn't redeveloping the land, they have the right to evict with



understand their frustration. I am not aware how IRAC came to be in the first place, however, seems to me they should AT LEAST be limited to what they're really good at... rubber stamping price changes on oil, gas, electricity and rent.

Posted 10/03/2009 at 9:19 AM | [Alert an Editor](#) | [Link to comment](#)

**Old Tory from P.E.I. writes:** I don't believe that IRAC has no oversight, it is my understanding that they are a quasi-judicial body that is accountable directly to cabinet. I, therefore, do not believe that Richard Brown's supposed outrage at electric rate increases are genuine, he is merely interested in saving his own political hide. Mr. Ghiz and the rest of cabinet have the authority to stop the rate increases. I also agree that IRAC should not be able to overrule Charlottetown Council. Council should stick to their guns on the Idle Wheels case and let IRAC sue them. Charlottetown Council should hold an immediate emergency meeting and overrule IRAC. That will force the Provincial Government to take responsibility for IRAC's outrageous behaviour.

Posted 10/03/2009 at 9:28 AM | [Alert an Editor](#) | [Link to comment](#)

**ken from chtown, pei writes:** Well its about time someone with a little backbone stood up to Moe and his stooges.they have been holding the city and the whole island hostage to long time to put the run to the whole lot of them.

Posted 10/03/2009 at 9:45 AM | [Alert an Editor](#) | [Link to comment](#)

**what are they anyway? from pei writes:** I dont know if I completely understand Irac's role ...I thought their role was to monitor and enforce munipicle bylaws and stuff,so to protect consumers and people from big business...To enforce government regulations...But I never hear of anything good coming out of Irac.They say we can expect prices to drop (on power anyway) in the future,but we the people know in todays world that nothing ever goes down,only up.And this body makes decisions that is only ever up,never down...I realize this,I have NEVER in my life heard of Irac actually helping we the people ...Are we not who they are supposed to represent?...Am I to understand that they are there to protect big business so the consumer public doesn't rip them off? Again Irac,please state exactly what your role is.

Posted 10/03/2009 at 9:51 AM | [Alert an Editor](#) | [Link to comment](#)

**Larry from pei writes:** The land owner should boot the trailer owners off his land and tell the City to take a hike. MacDonald is now in the same League as Tweel and proof we need to go to Court and ask for a new election.

Posted 10/03/2009 at 10:02 AM | [Alert an Editor](#) | [Link to comment](#)

**someonewhoknows from pei writes:** It's about time that someone stood up to the IRAC crowd. As the article says these appointees are accountable to nobody. I wonder how blaise they will be if they actually have to take a job where they have to answer to someone.

Posted 10/03/2009 at 10:05 AM | [Alert an Editor](#) | [Link to comment](#)

**My View from Ch'town, PEI writes:** And again, Attorney General Greenan is Missing! Mr. Greenan is a poor choice of Politician to be wearing two hats, given he's AWOL most of the time!

I don't believe IRAC should have the power to overturn the City's decision on a City Issue.

Maybe our City Council should take over IRAC. It seems they have a much greater level of concern for our citizens. I'd feel much better having Mayor Lee and Council Tweel negotiating with ME on our behalf. We actually might get somewhere!

I also agree with Concillor Tweel, it seems strange the same Commisisoners overturning the decision are the same ones deciding on the appeal!

It is time that IRAC answers to someone. Our constant Electric Hikes more than confirm IRAC has no useful purpose benefiting Islanders. Rental Hikes seem to be the only Monetary issue IRAC takes a stand on! What constituents IRAC earning a salary? Just wondering.

Posted 10/03/2009 at 10:20 AM | [Alert an Editor](#) | [Link to comment](#)

**Truth and Fairness is what PEI needs from what I see going on, 'about town' writes:** Without IRAC, Charlottetown would have NO ACCOUNTABILITY, none.

Thank heavens citizens can go to a 'non-political' body for a professional opinion and decision, not one mired in politics.

What clear thinking Council could ever advocate for a 1960's trailer park over a new condominium building?

IRAC is clearly needed to address the short sighted political agendas of Councillors.

Posted 10/03/2009 at 10:54 AM | [Alert an Editor](#) | [Link to comment](#)

**louis patterson from charlottetown, p.e.i. writes:** WELL DONE CITY COUNCIL, IT IS VERY APPARENT THAT IRAC DOES NOT ACT IN SUPPORT OF THE PROVINCE OR THE CITY. AND TO BE UN- ELECTED & WITH SO MUCH DISENION THAT THIS BODY HAS CAUSED,GIVES ONE TO ASK WHY OUR PREMIER HAS NOT DISBANDED THEM.

Posted 10/03/2009 at 12:17 PM | [Alert an Editor](#) | [Link to comment](#)

**Ray Mahar from City, PEI writes:** BRAVO !!

It's about time.

look into the Roger's issue as well.

We didn't vote for any of these Political appointees.

ps: I hope your on board with your fellow councillors Ms Hilton.

Posted 10/03/2009 at 1:03 PM | [Alert an Editor](#) | [Link to comment](#)

**What's The Plan Stan from Pe writes:** The owner has the right to evict the trailer park residents with proper notice, etc, etc. Nobody is arguing that. He can go ahead and do that.

However, the owner is not entitled, nor does he have any right, to have his property rezoned. The issue is not the fate of the tenants, but who gets to make planning decisions, such as rezonings, for the City.

Posted 10/03/2009 at 4:31 PM | [Alert an Editor](#) | [Link to comment](#)

**theillinformed from PE writes:** Come on now folks, this is a no brainer. That park and the trailers in it have been around since the 60's. It is time to move them out and build anew. I suppose the alternative is for the landlord to invest further in the upkeep of these units! Hogwash. Mitch and Clifford count the number of votes that are represented in the area and make there decision baring this in mind. For once IRAC is in the right and has made the logical decision.

Posted 10/03/2009 at 4:34 PM | [Alert an Editor](#) | [Link to comment](#)

**Long John from P.E. writes:** Do you really think City Council gives a hoot to thr Tailor Park people. They are only thinking about the votes.Probably laughing after the meeting.

A building will pay more taxes and that is what counts.

Posted 10/03/2009 at 5:43 PM | [Alert an Editor](#) | [Link to comment](#)

**IN THE POOR HOUSE from PE writes:** just disband IRAC and have a government runed commision to regulate gas and rent- and restructurethe bylaws to fix the issue with ME

Posted 10/03/2009 at 7:18 PM | [Alert an Editor](#) | [Link to comment](#)

**To Clarify Issue from Ch'town, PEI writes:** My Apologies in Advance - But I hate to see this issue being twisted out of shape and pros and cons being rendered on misinformation gathered from posters who really DO NOT UNDERSTAND THE ISSUE.

IT IS NOT ABOUT THE TENANTS - IT'S ABOUT THE PROPERTY OWNER WANTING TO BUILD A COMMERCIAL APARTMENT BUILDING ON HIS PROPERTY WHICH IS ZONED AS RESIDENTIAL !! Nobody is suggesting he can't give his tenants a written notice to remove their trailers in a given time period.

However, IRAC is not responsible for ZONING THE CITY IS !

Posted 10/03/2009 at 7:53 PM | [Alert an Editor](#) | [Link to comment](#)

**Curious Georgia from pe writes:** How does one seek a job with IRAC? Is there a competitive process which is advertised to the public or is it a matter of who you know, e.g. nepotism? It's all seems very hush, hush. Would I have to have a legal background (successful or not) to be a successful candidate?

Posted 10/03/2009 at 7:54 PM | [Alert an Editor](#) | [Link to comment](#)

**someonewhoknows from pei writes:** I'm willing to bet that JoefromPEI is not one of the people who will be displaced by the proposed condominiums. Condos that the displaced people will not be able to afford to live in. Sure is funny Joe, maybe they can move in with you.

Posted 11/03/2009 at 11:49 AM | [Alert an Editor](#) | [Link to comment](#)

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