

**Conservation Review Board**  
Commission des biens culturels



**ISSUE DATE:** May 20, 2016

**CASE NO(S):** CRB1510

**PROCEEDING COMMENCED UNDER** subsection 32(4) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owner: Helen Campbell  
Subject: Refusal of Application for Repeal of Designating By-law No. 130-2012  
Property Address: 90 Park Street (also known as Haddington Villa)  
Legal Description: Part Park Lot 1, Plan Old Survey as in 549913; T/W 549913, except easement therein  
Municipality: Municipality of Chatham-Kent  
CRB Case No.: CRB1510  
CRB Case Name: Campbell v. Chatham-Kent (Municipality)  
Heard: May 18, 2016 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

Municipality of Chatham-Kent

David V. Taylor

Helen Campbell

Janet McGuigan Kelly

**ORDER OF THE BOARD DELIVERED BY SU MURDOCH**

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[1] This Order is issued under the authority of s. 67.1(3) of the *Ontario Heritage Act* (the "Act"), s. 5.4 of the *Statutory Powers Procedure Act* and corresponding Rules contained in the Conservation Review Board (the "Review Board") Rules of Practice and Procedure, April 1, 2015.

## Background

[2] The owner, Helen Campbell (the “Applicant”), of the property known municipally as 90 Park Street, Municipality of Chatham-Kent (the “Municipality”), has applied under subsection 32(1) of the Act to repeal By-law 130-2012 designating the property under s. 29 of the Act. The Municipality of Chatham-Kent Council denied that application, and the matter has been referred to the Review Board for a hearing.

[3] Two pre-hearing conferences have been conducted by the Review Board with all parties in attendance. At the pre-hearing conference held on May 18, 2016, all parties agreed that it would be beneficial for the Applicant and Municipality to meet in person to exchange information and clarify the matters that led to the application to repeal By-law 130-2012. As stated by the Applicant, these matters primarily involve her understanding of what transpired in 2012 resulting in the passing of By-law 130-2012; the implications on the property owner of designation under s. 29 of the Act and a change to the Municipality’s Heritage Property Tax Relief Program.

[4] The purpose of this Order is to document the following matters agreed to by the parties in preparation for the next pre-hearing conference and to facilitate a hearing on the merits:

1. The Municipality is to immediately provide the Applicant with a copy of By-law 130-2012.
2. An in-person meeting is to be held on or before June 30, 2016, at a mutually agreed location, and the Applicant and the Municipality are to attend and may be accompanied by others of their choosing.
3. The Applicant is to compile the list of questions and concerns that led to her application to repeal By-law 130-2012, and provide this list to the

Municipality no less than 14 days in advance of the date chosen for the in-person meeting.

4. The Municipality is to have in attendance at the in-person meeting, one or more persons with applicable expertise regarding the Act and knowledge of how the provisions of the Act were applied by the Municipality resulting in the passing of By-law 130-2012. This person or persons is also to have knowledge of the Municipality's Heritage Property Tax Relief program, and be able to respond in an informative way to the Applicant's list of questions and concerns.

[5] A Review Board pre-hearing teleconference is scheduled for **July 7, 2016 at 10 a.m.** during which the next course of action in this proceeding will be determined.

*"Su Murdoch"*

SU MURDOCH  
VICE CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Conservation Review Board**

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