

Conservation Review Board
Commission des biens culturels

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 12, 2016

CASE NO(S):

CRB1504
PL150787

PROCEEDING COMMENCED UNDER subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Owners/Objectors: James & Dino DeLuca
Subject: Notice of Intention to Designate (Collings House)
Property Address: 108 Moore Street
Legal Description: LTS 90 TO 89, PT LT 88 N/S FREDERICK ST PL 56
AS IN R0739577; BRADFORD-WGW
Municipality: Town of Bradford West Gwillimbury
CRB Case No.: CRB1504
CRB Case Name: DeLuca v. Bradford West Gwillimbury (Town)

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: James & Dino DeLuca
Subject: Application for Consent - Failure of Town of Bradford
West Gwillimbury to make a decision
Purpose: To permit severance to create a new residential
building lot
Property Address/Description: 108 Moore Street
Municipality: Town of Bradford West Gwillimbury
Municipal File No.: B-15/01
OMB Case No.: PL150787
OMB File No.: PL150787
OMB Case Name: DeLuca v. Bradford West Gwillimbury (Town)

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: James & Dino DeLuca
 Subject: Application for Consent - Failure of Town of Bradford West Gwillimbury to make a decision
 Purpose: To permit severance to create a new residential building lot
 Property Address/Description: 108 Moore Street
 Municipality: Town of Bradford West Gwillimbury
 Municipal File No.: B-15/02
 OMB Case No.: PL150787
 OMB File No.: PL150788

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: James & Dino DeLuca
 Subject: Minor Variance
 Variance from By-law No.: 2010-050
 Property Address/Description: 108 Moore Street
 Municipality: Town of Bradford West Gwillimbury
 Municipal File No.: A-15/05
 OMB Case No.: PL150787
 OMB File No.: PL150789

Heard: April 1, 2016 by telephone conference call

APPEARANCES:

Parties

Town of Bradford West
Gwillimbury

James and Dino Deluca

Counsel

Leo Longo

Paul Peterson and Will Thomson

PROCEDURAL ORDER OF THE BOARDS DELIVERED BY B.W. KRUSHELNICKI

Background

[1] This order addresses procedural issues arising from an April 1, 2016 telephone conference call (“TCC”) with the parties to two related matters before the Conservation Review Board (“CRB”) and Ontario Municipal Board (“OMB”) (collectively the “Boards”).

[2] It is agreed by the parties that the two matters pertaining to this property will be heard concurrently commencing **May 5, 2016, at 10 a.m.** for two days to be held at:

**The Municipal Library
425 Holland Street West
Bradford West Gwillimbury, Ontario**

[3] The Boards will conduct an inspection of the site at 9 a.m. on the first day of the hearing and invite counsel for the parties to attend.

[4] The two matters that will be the subject of the hearing are a set of three appeals to the OMB under the *Planning Act* and a notice of objection to the Conservation Review Board under the *Ontario Heritage Act*. The matters will be heard by one or more members who are cross-appointed to both Boards.

[5] This is not a consolidated hearing but since the matters pertain to the same property, for convenience and in the interest of proceeding in an expeditious manner, the parties have agreed to have the matters heard jointly and have agreed accordingly to a common order of evidence.

The Parties

[6] The Parties to the proceeding are the 1) Town of Bradford West Gwillimbury (the “Town”) and 2) James and Dino Deluca (the “Delucas”). It is possible that others may appear on the first day of the hearing seeking standing as a participant in one or both of the matters and the Boards will consider such requests as necessary, at the outset of

the hearing.

The Order of Evidence

[7] It is agreed that the order of evidence will be as follows:

1. Mr. Peterson on behalf of the Delucas – one or two witnesses on both matters.
2. Mr. Longo on behalf of the Town – two witnesses on both matters.
3. Reply.

Disclosure

[8] The Town and the Delucas will provide to one another and to the Boards by April 21, 2016, a list of witnesses to be called, copies of the heritage assessment reports that will be relied upon, copies of witness statements for both planning and heritage witnesses, and in the case of the Town, copies of background reports by staff.

[9] Counsel have agreed to prepare a common document book for use in the hearing and to share in the expense of its production. The Boards endorse this practice.

[10] Disclosure between the parties may be conducted electronically. The Boards, however, will require that two hard copies be provided.

Notice

[11] Notice of this proceeding will be issued separately by both Boards and will indicate that the hearing will deal with both the *Planning Act* appeals and the objection to designation under the *Ontario Heritage Act*.

[12] A previously issued notice stated that the hearing would commence at 10:30 a.m. This has changed and all further notice will indicate that the time for the commencement of the hearing of both matters will be 10 a.m., Thursday, May 5, 2016. No further notice is required.

"B.W. Krushelnicki"

B.W. KRUSHELNICKI
EXECUTIVE CHAIR, ELTO
MEMBER, CRB
MEMBER, OMB

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Conservation Review Board/Ontario Municipal Board
Constituent tribunals of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248