

Conservation Review Board
Commission des biens culturels



ISSUE DATE: September 08, 2016

CASE NO(S): CRB1510

PROCEEDING COMMENCED UNDER section 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: July 7, 2016 by telephone conference call

APPEARANCES:

Parties

Counsel

Municipality of Chatham-Kent

David V. Taylor

Helen Campbell

Self Represented

ORDER OF THE BOARD DELIVERED BY SU MURDOCH

[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* (the "SPPA") and corresponding Rules contained in the Conservation Review Board (the "Review Board") *Rules of Practice and Procedure*.

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 s. 32(1) of the Act to repeal By-law No. 130-2012 designating the property under s. 29 of the Act. The Council of the Municipality denied that application, and the matter has been referred to the Review Board for a hearing.

[3] Three pre-hearing conferences (“PHC”) have been conducted by the Review Board with all parties in attendance. At the PHC held on July 7, 2016, all parties agreed to the Review Board conducting a hearing, as permitted under s. 32(6) of the Act and Rule 4 of the *Rules of Practice and Procedure*, and that the hearing will be conducted as a written hearing.

[4] This Order will serve as Notice of Hearing to Parties in accordance with the SPPA and as prescribed in Rule 24 of the *Rules of Practice and Procedure*. Notice of Hearing to the Public in accordance with the SPPA and as prescribed in Rule 25 of the *Rules of Practice and Procedure* was issued on August 18, 2016.

[5] The hearing will be held by exchange of written documents. If a party does not exchange and submit the required material as follows, the Review Board may proceed without the party’s participation and the party will not be entitled to any further notice in the proceeding.

[6] As agreed to by the parties and the Review Board, the scope of inquiry and schedule for exchange of documents and hearing will be as follows:

1. The Applicant, Helen Campbell, is to provide evidence and argument in written format, giving her reasons for applying under s. 32(6) of the Act, to repeal By-law No. 130-2012. This may include previously stated reasons,

such as her understanding of what transpired in 2012 when the property was designated and promises made; as well as other evidence deemed by her as necessary to her argument. The Review Board anticipates receiving evidence on whether or not the property continues to hold cultural heritage value or interest as described in By-law No. 130-2012 and prescribed by Ontario Regulation (“O. Reg.”) 9/06: Criteria for Determining Cultural Heritage Value or Interest, a copy of which is provided with this Order as Appendix 1.

2. The Municipality is to provide evidence and argument in written format, giving reasons for Council’s denial of the application to repeal By-law No. 130-2012. The Review Board anticipates receiving evidence on why the property is deemed by the Municipality to hold cultural heritage value or interest as described in By-law No. 130-2012 and prescribed by O. Reg. 9/06.
3. Within 30 days of the date of this Order [Tuesday, October 11, 2016], the parties are to exchange this written evidence and argument with each other, using the contact information in Appendix 2, in printed and/or electronic format, depending on which format each party is equipped to receive, and to file the same with the Review Board in printed format and, if available, also in electronic format.
4. The parties are to respond to each other within 30 days of the exchange of all evidence and argument [Thursday, November 10, 2016] and to file the same with the Review Board.
5. The parties are to reply to any responses within 15 days [Friday, November 25, 2016]; and within an additional 10 days [Monday, December 5, 2016], provide each other and the Review Board with separate and final submissions.

6. The Review Board will consider the submissions and provide a written recommendation to the Council of the Municipality and shall send a copy of the report to the other party in accordance with the Act.

“Su Murdoch”

SU MURDOCH
VICE-CHAIR

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

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Appendix 1

ONTARIO HERITAGE ACT

REGULATION 9/06

No Amendments

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

Appendix 2**File with:**

Conservation Review Board
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5
conservation.review.board@ontario.ca

Copy to parties:

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90 Park Street
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(by mail only)

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