

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 07, 2016

CASE NO(S): CRB1617

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

Owner/Objector: Lambeth Health Organization Inc.
Subject: Notice of Intention to Designate
Property Address: 4402 Colonel Talbot Road
Legal Description: Lot 15 and Part Lot 16 ETR & South of Side Road Plan 443 & Part Lot 70 ETR as in WU31936, 271189, WU56425, 109015, 147136, 264474 London
Municipality: City of London
CRB Case No.: CRB1617
CRB Case Name: Lambeth Health Organization Inc. v. London (City)
Heard: October 3, 2016 by telephone conference call

APPEARANCES:

Parties

Counsel⁺/Representative

Lambeth Health Organization Inc.	Michelle Whatley
City of London	Nicole Hall ⁺

ORDER OF THE BOARD DELIVERED BY SU MURDOCH AND DANIEL NELSON

[1] The Conservation Review Board (“Review Board”) orders that:

Organization/Conduct of the Hearing

[2] The hearing will take place on January 30, 31, February 1, 2017 at 10:30 a.m. at Committee Room No. 5, City Hall, 300 Dufferin Avenue in the City of London. The hearing will be open to the public and public notice will be published. A site visit will take place at 8:30 a.m. on Monday, January 30, 2017 with only the parties and panel members in attendance. No adjournments will be granted before or during the hearing except in accordance with the Rules.

[3] The parties identified at the Pre-hearing Conference are:

- Lambeth Health Organization Inc., represented by Michelle Whatley
- City of London, represented by counsel, Nicole Hall

[4] A party may attend or participate in a proceeding in person, with a representative, or may send a representative to attend in place of the party, in accordance with Rule 9 of the Review Board Rules of Practice and Procedure.

[5] If a party fails to appear at the hearing without giving notice to the Review Board and all parties in advance and/or does so without reasonable cause, the Review Board has the discretion under the *Statutory Powers Procedure Act* to proceed with the hearing in their absence.

[6] The issues are: The evaluation of cultural heritage value or interest as prescribed by Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest; and the determination of whether all, none, or part of the property at 4402 Colonel Talbot Road in the City of London should be designated under s. 29 of the Ontario Heritage Act.

Requirements for the Hearing

Document Exchange

[7] By January 16, 2017, the following items are to be served on every other party and filed with the Review Board:

- a list of intended witnesses and the order in which they will be called;
- a list of intended expert witnesses and the order in which they will be called. In addition, the name, address and qualifications of each expert, and copies of the expert's report(s) and all documents to which the expert will refer;
- witness statements for all intended witnesses;
- an Agreed Statement of Facts, where applicable;
- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

[8] The materials are to be exchanged between all parties and two paper copies are to be provided to the Review Board, as well as an electronic copy. Paper copies should be paginated, with tab markers, and colour images, where appropriate.

[9] Any intended evidence, including documents, not disclosed within the timeframe set out above, may not be used as evidence at the hearing unless the Review Board directs otherwise. Where a witness statement or expert report has not been provided by the required date, the witness may not give evidence at the hearing unless the Review Board directs otherwise.

Expert Witnesses and Evidence

[10] An expert witness who is providing opinion evidence must execute the Acknowledgement of Expert's Duty form prior to or at the hearing.

[11] An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the

hearing. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Review Board may refuse to hear the expert's testimony.

[12] The Review Board may vary or add to this Order at any time, either on request or as it sees fit, and may do so by an oral ruling or in writing.

"Su Murdoch"

SU MURDOCH
VICE-CHAIR

"Daniel Nelson"

DANIEL NELSON
MEMBER

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