

Conservation Review Board
Commission des biens culturels



ISSUE DATE: April 21, 2017

CASE NO.: CRB1507

PROCEEDING COMMENCED UNDER subsection 32(14) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended

Objector: Kim Wilson
Owner: Tomas Tocek, Sr.
Subject: Notice of Intention to Repeal Designation By-law No. 2002-054
Property Address: 5781 Highland Avenue (Leeming House)
Legal Description: Lots 19, 21 and 23, Registered Plan 32
Municipality: City of Niagara Falls
CRB Case No.: CRB1507
CRB Case Name: Wilson v. Niagara Falls (City)

Heard: In writing

APPEARANCES:

Parties

Counsel/Representative⁺

City of Niagara Falls

Ken Beaman

Tomas Tocek, Sr.

Tomas Tocek, Jr.⁺

Kim Wilson

Self-represented

ORDER OF THE BOARD DELIVERED BY LAURIE SMITH AND ROBERT V. WRIGHT

Background

[1] On March 15, 2017, the Conservation Review Board (“Review Board”) issued a procedural order providing directions on preparing for the hearing and directing the parties to provide their availability for a hearing date. The parties provided availability for a hearing and the Review Board is, therefore, issuing this second procedural order for the purpose of proceeding with the organization and conduct of the hearing.

Organization/Conduct of the Hearing

[2] The hearing will take place in the Council Chambers, City Hall, 4310 Queen Street in the City of Niagara Falls starting on Wednesday, July 12, 2017, and continuing on Thursday, July 13, 2017, beginning at 10 a.m., each day. The hearing will be open to the public and public notice will be published by the municipality. A site visit will take place at 9 a.m. on the first day of the hearing with the parties and Review Board members in attendance. No adjournments will be granted before or during the hearing except in accordance with the Review Board’s *Rules of Practice and Procedure* (“Rules”).

Requirements for the Hearing: Witnesses, Document Exchange and Expert Evidence

[3] By Wednesday, June 28, 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; and

- copies of all other documentary and other evidence that the party will refer to, or tender as evidence, at the hearing.

The materials are to be exchanged among 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.

[4] All provisions of the March 15, 2017 procedural order of the Review Board remain in effect and should be adhered to by the parties, except that changes made to those provisions by this updated procedural order shall govern.

[5] 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.

“Laurie Smith”

LAURIE SMITH
MEMBER

“Robert V. Wright”

ROBERT V. WRIGHT
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