

Conservation Review Board
Commission des biens culturels



ISSUE DATE: December 1, 2017

CASE NO: CRB1717

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

Owner/Objector:	Mark Kucher
Subject:	Notice of Intention to Designate
Property Address:	70 Lowther Avenue (Reginald Northcote House)
Legal Description:	Plan M6, Lots 93 and 94
Municipality:	City of Toronto
CRB Case No.:	CRB1717
CRB Case Name:	Kucher v. Toronto (City)

Heard: November 21, 2017 by telephone conference call

APPEARANCES:

Parties

Counsel/Representative*

Mark Kucher

Kim Mullin

City of Toronto

Matthew Longo

John Duncan and Deborah Cross

Isaac Tang

Annex Residents Corporation

Sandra Shaul*

**ORDER OF THE BOARD DELIVERED BY JERRY V. DEMARCO AND
ROBERT V. WRIGHT**

REASONS

Background

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from a pre-hearing conference (“PHC”) conducted by telephone conference call (“TCC”) on November 21, 2017 in respect of an objection by Mark Kucher (“Owner”) to a Notice of Intention to Designate the property at 70 Lowther Avenue in the City of Toronto, Ontario (“property”).

Requests for Status

[2] Prior to the PHC TCC the Annex Residents Corporation (“ARC”), and John Duncan and Deborah Cross, notified the Review Board that they would be seeking party status in the proceeding. ARC and Mr. Duncan, and Isaac Tang as counsel for Mr. Duncan and Ms. Cross, participated in the PHC TCC. Counsel for the Owner and the City of Toronto (“City”) said that those parties had no objection to the requests for party status.

[3] Sandra Shaul, the representative for ARC, submitted that it is associated with the Annex Residents Association (“ARA”), and that those organizations are concerned about, and involved in the preservation of, heritage properties in the Annex. She added that when ARC and ARA learned about the possible demolition of the existing building on the property they became involved in discussions for its preservation.

[4] Mr. Tang, counsel for Mr. Duncan and Ms. Cross (who was not able to participate in the PHC TCC) said that his clients own the property immediately to the north of, and adjacent to, the Owner’s property, and that his clients have been active in the community and have a genuine interest in the Owner’s development proposal and heritage issues.

[5] As indicated, the above requests for party status were not opposed by the Owner and the City. The Review Board found that ARC, Mr. Duncan and Ms. Cross have genuine interests in the issues and they are likely to make a useful and different contribution to the understanding of the issues in accordance with Rule 21 of the Review Board's *Rules of Practice and Procedure*; consequently, the Review Board granted each of them party status.

Adjournment of PHC

[6] The Owner advised the Review Board that as the result of discussions with the City and other interested persons the original development proposal had been modified such that if a severance of the property is granted then the existing building on the property would not be demolished and a new building would be built on the to be severed vacant portion of the property. The modified proposal will be considered by the City Heritage Committee at the end of February 2018. The Owner therefore requested that the PHC be adjourned to the Spring of 2018.

[7] The City confirmed having discussed the above with the Owner and agreed to the suggested adjournment.

[8] The added parties, ARC and Mr. Duncan and Ms. Cross agreed with the adjournment request.

[9] All parties agreed to the adjournment of the PHC to a TCC on April 17, 2018, commencing at 10 a.m.

ORDER

[10] Annex Residence Corporation, John Duncan and Deborah Cross are granted status as parties in this proceeding.

[11] The PHC is adjourned to a TCC on April 17, 2018, commencing at 10 a.m. The Case Coordinator will provide the parties with further particulars in due course.

[12] At the beginning of April, 2018, approximately two weeks prior to the PHC TCC, Ms. Mullin shall send to the Review Board Case Coordinator on behalf of the parties a brief email indicating whether settlement negotiations are ongoing or whether the parties, or any of them, will be seeking disclosure and hearing dates.

[13] 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.

“Jerry V. DeMarco”

JERRY V. DEMARCO
ASSOCIATE CHAIR

“Robert V. Wright”

ROBERT V. WRIGHT
VICE-CHAIR

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

Conservation Review Board

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