

Conservation Review Board
Commission des biens culturels



ISSUE DATE: March 7, 2018

CASE NO: CRB1712

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

Objector: The Governing Council of the University of Toronto
Owners: Samuel Moskowitz and Stanley Reisman
Subject: Notice of Intention to Designate
Property Address: 698 Spadina Avenue
Legal Description: Plan 438 Lot 1
Municipality: City of Toronto
CRB Case No.: CRB1712
CRB Case Name: University of Toronto v. Toronto (City)

Heard: February 14, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel/Representative⁺

The Governing Council of the University of Toronto

Melissa Winch

City of Toronto

Sharon Haniford

Harbord Village Residents' Association

Susan Dexter⁺

Participants

Norman Track

Self-represented

Susan Duff

Self-represented

Melissa Duff

Self-represented

**ORDER OF THE BOARD DELIVERED BY DANIEL NELSON AND
ROBERT V. WRIGHT**

BACKGROUND

[1] This is a procedural order of the Conservation Review Board (“Review Board”) arising from the third pre-hearing conference (“PHC”) telephone conference call (“TCC”) on February 14, 2018 in respect of an objection by The Governing Council of the University of Toronto (“Objector”) to a Notice of Intention to Designate the property at 698 Spadina Avenue in the City of Toronto, Ontario (“Property”).

[2] Additional background information concerning this proceeding is contained in the Review Board’s orders dated August 15, 2017 and December 19, 2017.

ORDER

Organization/Conduct of the Hearing

[3] The hearing will take place on June 27 and 28, 2018 at 10 a.m. at:

**Conservation Review Board
655 Bay Street,
Hearing Room 12-4
12th Floor
Toronto ON**

[4] The hearing will be open to the public and public notice will be published. A site visit will take place at 9 a.m. on June 27, 2018, with the parties 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”).

[5] The parties and participants are as set out in the Order for this matter issued on August 15, 2017.

[6] 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. A representative or party shall file, upon request of the Review Board, Form 1, Representative of a Party – Commencement of Authorization, which can be found in Appendix A to the Review Board's Rules.

[7] 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*, R.S.O. 1990, c. S.22, to proceed with the hearing in their absence.

Witnesses, Document Exchange and Expert Evidence

[8] The Governing Council of the University of Toronto, the Objector, intends to call one witness; the Harbord Village Residents' Association intends to call one witness; and the City of Toronto intends to call one witness. Participant Norman Track, and participants Melissa Duff and Susan Duff collectively, will each make a presentation.

[9] As agreed upon by the parties, the following items are to be served on every other party and filed with the Review Board as of the date indicated:

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|----------------|--|
| April 25, 2018 | <ul style="list-style-type: none"> • 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 together with 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. |
| May 4, 2018 | <ul style="list-style-type: none"> • Agreed Statement of Facts. |
| May 25, 2018 | <ul style="list-style-type: none"> • Witness statements for all intended witnesses. |
| June 6, 2018 | <ul style="list-style-type: none"> • Reply evidence, if any. |
| June 13, 2018 | <ul style="list-style-type: none"> • Copies of all other documentary and other evidence that the |

party will refer to, or tender as evidence, at the hearing.

[10] 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. 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

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

[12] 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.

[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.

“Daniel Nelson”

DANIEL NELSON
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