

Conservation Review Board
Commission des biens culturels



ISSUE DATE: September 12, 2018

CASE NO.: CRB1723

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

Owners: John Robinson, Shelagh Mary Robinson
Objector: John Robinson
Subject: Notice of Intention to Designate (Van Sickle Farm)
Property Address: 3451 Tremaine Road
Legal Description: PT LT 35, CON 1 Trafalgar, North of Dundas Street, as in 50224; Oakville/Trafalgar
Municipality: Town of Oakville
CRB Case No.: CRB1723
CRB Case Name: Robinson v. Oakville (Town)

Heard: March 22, 2018 by telephone conference call and in writing

APPEARANCES:

Parties

Counsel*/Representative

John Robinson and Shelagh Mary Robinson

Nicola Folino

Town of Oakville

Dennis Perlin*

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 a pre-hearing conference (“PHC”) held on March 22, 2018 in respect of an objection by John Robinson to a Notice of Intention to Designate the property at 3451 Tremaine Road in the Town of Oakville, Ontario (the “property”).

[2] In subsequent email correspondence the parties agreed to the relevant dates, e.g., for disclosure of intended witnesses and documents, and they are, therefore, on consent.

[3] Also subsequent to the PHC, the objector has appointed Virginia MacLean as counsel.

ORDER

Organization/Conduct of the Hearing

[4] The hearing will take place on: **Thursday, November 15 and Friday, November 16, 2018 at 10:30 a.m. at:**

**Oakville Room,
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario**

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 **Thursday, November 15, 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] 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 Rules.

[6] 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.

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

[7] On or before **Thursday, October 4, 2018**, the parties shall provide:

- a list of intended witnesses, other than expert witnesses, and the order in which they will be called; and
- a list of intended expert witnesses and the order in which they will be called, including their names, addresses, and qualifications.

[8] On or before **Thursday, October 18, 2018**, the parties shall provide copies of each expert witness report and all documents each expert witness will refer to.

[9] On or before **Thursday, November 1, 2018**, the parties shall provide:

- copies of witness statements for each expert and non-expert witness;
- copies of all remaining documentary and other evidence that a party will refer to, or present, at the hearing, e.g., pictures, videos, books, articles, maps, surveys, drawings, plans, sketches, research papers, etc.;
- a list of the issues in dispute in the matter, to be agreed to by the parties; and
- an Agreed Statement of Facts, to be agreed to by parties.

[10] The above referenced information, documents and all other 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.

[11] Any intended evidence, including information, documents and other materials, 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

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

[13] 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.

[14] 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