

Conservation Review Board
Commission des biens culturels



ISSUE DATE: November 02, 2018

CASE NO.: CRB1813

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

Owner:	Southbridge Health Care GP Inc.
Objectors:	See Appendix 1 – Objector List
Subject:	Notice of Intention to Designate (Port Hope Hospital)
Property Address:	65 Ward Street
Legal Description:	Lots 21-31 Smith Estate Plan Port Hope, save and except Lots 21-25
Municipality:	Municipality of Port Hope
CRB Case No.:	CRB1813
CRB Case Name:	Baker v. Port Hope (Municipality)

Heard: October 3, 2018 in Port Hope, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Southbridge Health Care GP Inc.	Patrick Moore
Municipality of Port Hope	Jennifer Savini*
Dan Baker	Self-represented
Melinda Brown	Self-represented
Ed Dhagwe	Self-represented
Julie Dickerson	Self-represented
Debbra Gilmour	Self-represented

Colleen Haley	Self-represented
Kathy Hensgens	Self-represented
Joyce Prince	Self-represented
Lorraine Wamboldt	Self-represented

Participants

Anthony T. Jenkins	Self-represented
Bruce Bowden	Self-represented
Brian McLaughlin	Self-represented

ORDER OF THE BOARD DELIVERED BY LAURIE SMITH 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 in person at Port Hope, Ontario, on October 3, 2018, in respect of an objection by Southbridge Health Care GP Inc. (“Owner/Objector”) and 94 other individuals to a Notice of Intention to Designate the property at 65 Ward Street in Port Hope, Ontario (the “property”).

[2] The Municipality of Port Hope (“Municipality”) and nine of the Objectors (Dan Baker, Melinda Brown, Ed Dhagwe, Julie Dickerson, Debra Gilmour, Colleen Haley, Kathy Hensgens, Joyce Prince and Lorraine Wamboldt) attended the PHC.

[3] The Owner/Objector advised the Review Board in advance that it does not intend to “actively participate” in the proceedings. However, Patrick Moore, Director of Communications, Stakeholder and Government Relations for the Owner/Objector, attended the PHC on behalf of the Owner/Objector. The Review Board reminded Mr. Moore to submit a Form 1 to the Review Board if he intends to represent the Owner/Objector in these proceedings.

[4] The other Objectors were reminded to submit a Form 1 to the Review Board if any of them wish to appoint another person to represent them in these proceedings.

[5] Anthony Jenkins, who lives across the street from the property, was made a participant to the proceedings and he intends to make a statement at the hearing.

[6] Bruce Bowden, who represents the Port Hope chapter of the Architectural Conservancy of Ontario, was made a participant to the proceedings and he intends to make a statement at the hearing.

[7] Brian McLaughlin, who is a resident in Hope Street Terrace on the property, was made a participant to the proceedings and he intends to make a statement at the hearing.

ORDER

Organization/Conduct of the Hearing

[8] The hearing will take place on **February 11, 12 and 13, 2019** starting at **10 a.m.** at:

**Council Chambers
56 Queen Street
Port Hope, Ontario**

The hearing will be open to the public and public notice will be published. The hearing will be preceded by a brief site visit that will take place at 65 Ward Street at 9 a.m. on February 11, 2019, 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").

[9] The Objectors in the proceeding are set out in Appendix 1 to this order.

[10] 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, a Form 1, "Representative of a Party – Commencement of Authorization", which can be found in Appendix A to the Rules.

[11] If a party fails to appear at the hearing, the Review Board has the discretion under the *Statutory Powers Procedure Act* to proceed with the hearing in the absence of that party.

[12] The issues to be addressed at the hearing are:

- whether the property meets at least one of the designation criteria for determining cultural heritage value or interest that are set out in Ontario Regulation 9/06 under the *Ontario Heritage Act*; and
- what are the boundaries of the property for the purposes of the designation and which built assets on the property are included as heritage attributes in the designation?

[13] The Owner/Objector does not intend to actively participate in the proceeding and will not call any witnesses at the hearing. The other Objectors have indicated that they intend to call three witnesses in total. The Municipality intends to call two or three witnesses. The three participants intend to each make a statement at the hearing.

Witnesses, Document Exchange and Expert Evidence

[14] By January 15, 2019, 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 a party will refer to, or tender as evidence, at the hearing.

[15] 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.

[16] 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

[17] An expert witness who is providing opinion evidence must execute the Acknowledgement of Expert's Duty form prior to or at the hearing. The form can be found in Appendix A to the Rules.

[18] 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.

Pre-hearing Conference and Pre-hearing Settlement Conference

[19] The PHC was adjourned to **Tuesday, November 20 at 10 a.m.** The continuation

of the PHC will be by teleconference call (“TCC”). The PHC TCC will be open to the parties, the participants and the public, unless the Review Board directs otherwise.

To attend the TCC, please use the following instructions:

Call (416) 212-8013** or Toll Free 1-866-633-1033. When prompted, enter the code 1846914# and you will be connected to the TCC. If assistance is required at any time, press “0” for the operator. It is the responsibility of the persons participating in the TCC to ensure that they are properly connected to the TCC. **Charges incurred for international calls will be the responsibility of the caller.

[20] If the parties wish the Review Board to hold a Pre-hearing Settlement Conference (“PHSC”), then they should make a request in writing to the Case Coordinator. The PHSC would involve only parties to the proceeding and would not be open to the public. In order to ensure that the number of parties attending the PHSC is feasible, parties of like interest should consider appointing one of those parties to act as their spokesperson/representative, in which case they would submit a Form 1 to the Review Board’s Case Coordinator appointing a representative party. The authority of the representative may be limited to participation in the PHSC.

[21] 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
VICE-CHAIR

“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

Appendix 1 – Objector List

1. Dan Baker
2. Gayle Baker
3. Kathy Banville
4. April Beckett
5. Bryan Birks
6. Elizabeth Birks
7. Rhonda Bisset
8. Michelle Boundy
9. Melinda Brown
10. Ed Brush
11. Ainsley Brush
12. Brad Bull
13. John Bull
14. Elaine Cadeau
15. Sherri Callaghan
16. Catherine Chadwick
17. Deborah Clark
18. Judith Copeland
19. Mike Corbett
20. Liane Covert
21. Stephen Covert
22. L.A. Cressey
23. Mary Daly
24. Vern Davies
25. Jennifer Dean
26. Chelsey Derkx
27. J. Derkx
28. Sherry Derkx
29. Ed Dhagwe
30. Julie Dickerson
31. Janis Dittmer
32. Albert Dobrini
33. Nancy Doughty
34. Shirley Egelson
35. Marilyn Finbow
36. Blair Fraser
37. Dianne Fraser
38. Brad Gerhardt
39. Caroline Gilmour
40. Debbra Gilmour
41. Diane Gilmour
42. Chantal Giroux
43. Becky Groves
44. Colleen M. Haley
45. Nicole Haslam
46. Dave Heber
47. Kathy Hensgens
48. Lisa Hensgens
49. Sarah Hensgens
50. Jean Howard
51. Carl Ireland
52. Robert Kidd
53. Joyce Marcheal
54. Matthew Marcuz
55. Samantha Marcuz
56. Russell May
57. Audrey McEwan
58. Bill McGill
59. Sandra D. McGill
60. Darlene McGuinness
61. Janice McHolm
62. Mary McKay
63. Micky McKinnon
64. Erin McLaughlin
65. Corrie McLeod
66. Supathini Nagalingam
67. Jessica Nelson
68. Heather O'Brien
69. Occupant
70. Occupant
71. Rose Olsen
72. Aleksandra Picleri
73. Joyce Prince
74. Evelyn E.J. Rawlingson
75. Courtney Ried
76. Nigel Roberts
77. Lindsay Sanders
78. Patricia Sexsmith
79. Jane Smith
80. Suzanne Speckart
81. Amanda Stewardson
82. Sandra Tinney
83. Lydia Tomasi
84. Austin Tucker
85. David Turck
86. Joe Vaid
87. Narcisa Vallecera
88. Jem Valles
89. Marie Von Wagner
90. Loraine Wamboldt
91. Janet Watts
92. Brian R. Wice
93. Margaret Wice
94. Marion Wilson
95. Southbridge Health Care GP Inc.